

REPORT OF THE CONFERENCE ON DISARMAMENT

APPENDIX II

VOLUME V

List and text of documents issued by the Conference on Disarmament

REPORT OF THE CONFERENCE ON DISARMAMENT TO THE GENERAL ASSEMBLY OF THE UNITED NATIONS

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- I. Consolidated list of participants in the work of
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verbatim records of the Conference on Disarmament

^{1/} To be issued as separate volumes of this report.

I. INTRODUCTION

1. The Conference on Disarmament submits to the thirty-ninth session of the United Nations General Assembly its annual report on its 1984 session, together with the pertinent documents and records.

II. ORGANIZATION OF WORK OF THE CONFERENCE

A. Designation of the multilateral negotiating forum as a Conference

2. In pursuance of the decision taken by the Committee on Disarmament in paragraph 21 of its report to the thirty-eighth session of the General Assembly of the United Nations (document CD/421), the designation of the "Committee" as "Conference on Disarmament" came into effect on 7 February 1984, the date of the commencement of the 1984 annual session. In that connection, the President of the Conference made the following statement at the 258th plenary meeting:

"For administrative reasons it is necessary to make the following statement for the record:

The Committee on Disarmament, having been redesignated as the Conference on Disarmament from 7 February 1984, the following consequential changes of designation have taken place with effect from the same date:

- (a) The Chairman has been redesignated as the President,
- (b) The Secretary has been redesignated as the Secretary-General,
- (c) The Deputy Secretary has been redesignated as the Deputy Secretary-General.

These are changes in designation and have no financial or structural implications. The rules of procedure have been re-issued in document CD/8/Rev.2, containing consequential changes in designation."

B. 1984 Session of the Conference

3. The Conference was in session from 7 February to 27 April and from 12 June to 31 August 1984. During this period, the Conference held 49 formal plenary meetings, at which member States as well as non-member States invited to participate in the discussions set forth their views and recommendations on the various questions before the Conference.

4. The Conference also held 50 informal meetings on its agenda, programme of work, organization and procedures, as well as on items of its agenda and other matters.

5. In accordance with rule 9 of the Rules of Procedure, the following member States assumed the Presidency of the Conference: Poland for February, Romania for March, Sri Lanka for April and the recess between the first and second parts of the 1984 session of the Conference, Sweden for June, the Union of Soviet Socialist Republics for July and the United Kingdom of Great Britain and Northern Ireland for August and the recess until the 1985 session of the Conference.

C. Participants in the Work of the Conference

6. Representatives of the following member States participated in the work of the Conference: Algeria; Argentina; Australia; Belgium; Brazil; Bulgaria; Burma; Canada; China; Cuba; Czechoslovakia; Egypt; Ethiopia; France; German Democratic Republic; Germany, Federal Republic of; Hungary; India; Indonesia; Islamic Republic of Iran; Italy; Japan; Mexico; Mongolia; Morocco; Netherlands; Nigeria; Pakistan; Peru; Poland; Romania; Sri Lanka; Sweden; Union of Soviet Socialist Republics; United Kingdom of Great Britain and Northern Ireland; United States of America; Venezuela; Yugoslavia; and, Zaire. The consolidated list of participants in the first and second parts of the session is included as Appendix I to the report. At the beginning of the annual session, the Ministry of Foreign Affairs of Kenya informed the Secretary-General of the Conference that Kenya would not send a delegation in 1984.

D. Agenda for the 1984 Session and Programme of Work for the First and Second Parts of the Session

7. At the 242nd Plenary Meeting on 16 February 1984, the President submitted a proposal on the provisional agenda for the 1984 session and the Programme of work for the first part of the session in conformity with rule 29 of the Rules of Procedure, and made the following statement (CD/PV.242):

"With respect to the adoption of the agenda for the year 1984, it is understood that the question of the nuclear neutron weapon is covered by item 2 of the agenda and can be considered under that agenda item."

8. At the same plenary meeting, the Conference adopted its agenda for the year and the programme of work for the first part of the 1984 session. Some delegations made statements in that connection.

9. The texts of the agenda and programme of work adopted by the Conference (document CD/433) are given below:

"The Conference on Disarmament, as the multilateral negotiating forum, shall promote the attainment of general and complete disarmament under effective international control.

"The Conference, taking into account inter alia the relevant provisions of the Documents of the first and second special sessions of the General Assembly devoted to disarmament, will deal with the cessation of the arms race and disarmament and other relevant measures in the following areas:

- I. Nuclear weapons in all aspects;
- II. Chemical weapons;
- III. Other weapons of mass destruction;
- IV. Conventional weapons;
- V. Reduction of military budgets;
- VI. Reduction of armed forces;
- VII. Disarmament and development;
- VIII. Disarmament and international security;
- IX. Collateral measures, confidence-building measures; effective verification methods in relation to appropriate disarmament measures, acceptable to all parties concerned;
- X. Comprehensive programme of disarmament leading to general and complete disarmament under effective international control.

"Within the above framework, the Conference on Disarmament adopts the following agenda for 1984 which includes items that, in conformity with the provisions of Section VIII of its Rules of Procedure, would be considered by it:

1. Nuclear test ban.
2. Cessation of the nuclear arms race and nuclear disarmament.
3. Prevention of nuclear war, including all related matters.

4. Chemical weapons.
5. Prevention of an arms race in outer space.
6. Effective international arrangements to assure non-nuclear-weapons-States against the use or threat of use of nuclear weapons.
7. New types of weapons of mass destruction and new systems of such weapons; radiological weapons.
8. Comprehensive programme of disarmament.
9. Consideration and adoption of the annual report and any other report as appropriate to the General Assembly of the United Nations.

"Programme of Work"

"In compliance with rule 28 of its Rules of Procedure, the Conference on Disarmament also adopts the following programme of work for the first part of its 1984 session:

- | | |
|-------------------------|--|
| 7 - 17 February | Statements in plenary meetings... Consideration of the agenda and programme of work, as well as of the establishment of subsidiary bodies on items of the agenda and other organizational questions. |
| 20 - 24 February | Nuclear test ban. |
| 27 February-
2 March | Cessation of the nuclear arms race and nuclear disarmament. |
| 5 - 9 March | Prevention of nuclear war, including all related matters. |
| 12 - 16 March | Chemical weapons. |
| 19 - 23 March | Prevention of an arms race in outer space. |
| 26 - 30 March | Effective international arrangements to assure non-nuclear-weapons-States against the use or threat of use of nuclear weapons. |
| 2 - 6 April | New types of weapons of mass destruction and new systems of such weapons; radiological weapons. |
| 9 - 13 April | Comprehensive programme of disarmament. |
| 16 - 27 April | Further consideration of outstanding matters. |

"Informal meetings of the Conference will be held to continue consideration of the proposals submitted by members for its improved and effective functioning.

"The Conference will consider the selection of additional members in pursuance of paragraph 19 of its report (CD/421).

"Meetings of subsidiary bodies will be convened after consultations between the President of the Conference and the Chairmen of the subsidiary bodies, according to the circumstances and needs of those bodies.

"The Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events will meet from 27 February to 9 March 1984.

"In adopting its programme of work, the Conference has kept in mind the provisions of rules 30 and 31 of its Rules of Procedure."

10. At the 245th plenary meeting on 23 February 1984, the Conference took decisions on the re-establishment, for the duration of its 1984 session, of ad hoc subsidiary bodies on Chemical Weapons and Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons, as well as on the re-establishment of an ad hoc subsidiary body on the Comprehensive Programme of Disarmament (Documents CD/440, CD/441 and CD/442). At the 259th plenary meeting on 17 April 1984, the Conference also decided to establish, for the duration of its 1984 session, an Ad Hoc Committee on Radiological Weapons (document CD/499).
11. At the 248th plenary meeting, the Conference decided to designate as "Ad Hoc Committees", in accordance with its Rules of Procedure, the subsidiary bodies re-established at its 245th plenary meeting (document CD/446). At the time of adoption of that decision, the President made the following statement:

"This decision has been taken in accordance with the understanding of the Conference read by the President at the 245th plenary meeting of 28 February 1984 at the time of the re-establishment of the ad hoc subsidiary bodies, to the effect that the same designation would be given to all the subsidiary bodies established directly under respective agenda items unless the Conference, in specific cases, decides otherwise.

"The adoption of the name 'Ad Hoc Committee' for subsidiary bodies of the Conference stems from the change of name from 'Committee on Disarmament' to 'Conference on Disarmament'. That designation for subsidiary bodies is adopted under Rule 23 of the Rules of Procedure of the Conference. It has no financial or structural implications; it implies no change in the working procedures of the Conference or in its Rules of Procedure; and it has no bearing on the views of members of the Conference on the substance of matters under consideration.

"Subsidiary bodies may be set up within the framework of Ad Hoc Committees, their designation being determined by the respective Ad Hoc Committees in accordance with established practice."

12. At its 258th plenary meeting, the Conference decided to begin the second part of the 1984 session on 12 June 1984.

13. During the second part of the 1984 session of the Conference, the President submitted, at the 264th plenary meeting on 14 June 1984, a proposal on the programme of work for the second part of the session. At the same meeting, the Conference adopted the programme of work proposed by the President (CD/506). It reads as follows:

"In compliance with rule 28 of its Rules of Procedure, the Conference on Disarmament adopts the following programme of work for the second part of its 1984 session:

12-15 June	Statements in plenary meetings. Consideration of the programme of work and the question of the establishment of additional subsidiary bodies and other organizational questions which will continue to be considered beyond 15 June.
18-22 June	Nuclear test ban.
25-29 June	Cessation of the nuclear arms race and nuclear disarmament.
2-6 July	Prevention of nuclear war, including all related matters.
9-13 July	Chemical weapons.
16-20 July	Prevention of an arms race in outer space.
23-27 July	Effective international arrangements to assure non-nuclear-weapons States against the use or threat of use of nuclear weapons.
30 July-3 August	New types of weapons of mass destruction and new systems of such weapons; radiological weapons.
6-10 August	Comprehensive programme of disarmament.
13-31 August	* / } Reports of <u>ad hoc</u> subsidiary bodies; organizational questions; consideration and adoption of the Annual Report to the General Assembly of the United Nations.

"The Conference will continue consideration of the proposals submitted by members for its improved and effective functioning.

"The Conference will consider the selection of additional members in pursuance of paragraph 19 of its report (CD/421).

"Meetings of subsidiary bodies will be arranged after consultations between the President of the Conference and the Chairmen of the subsidiary bodies, according to the circumstances and needs of those bodies.

"The Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events will meet from 30 July to 10 August 1984.

"In adopting its programme of work, the Conference has kept in mind the provisions of rules 30 and 31 of its Rules of Procedure.

*/ The closing date will be decided upon later, but it is presumed that the Conference will adjourn not later than 31 August."

14. At its 276th plenary meeting on 26 July 1984, the Conference decided to close its 1984 session on 31 August 1984.

E. Participation of States not Members of the Conference

15. In conformity with rule 32 of the Rules of Procedure, the following States non-members of the Conference attended plenary meetings of the Conference: Austria, Bangladesh, Burundi, Cameroon, Colombia, Denmark, Democratic Yemen, Finland, Greece, Holy See, Iraq, Ireland, New Zealand, Norway, Portugal, Senegal, Spain, Switzerland, Tunisia, Turkey and Viet Nam.

16. The Conference received and considered requests for participation in its work from States not members of the Conference. Several delegations made statements in this connection (CD/PV.262 and CD/PV.283). In accordance with the Rules of Procedure, the Conference invited:

(a) the representatives of Austria, Cameroon, Denmark, Ecuador, Greece, Ireland, New Zealand, Turkey and Switzerland to participate during 1984 in the plenary meetings and in the subsidiary body on chemical weapons;

(b) the representatives of Finland and Norway to participate during 1984 in the plenary meetings and in the subsidiary bodies on chemical weapons, negative security assurances, radiological weapons and the comprehensive programme of disarmament;

(c) the representatives of Colombia, Democratic Yemen, Senegal and Spain to participate during 1984 in the plenary meetings and in the subsidiary bodies on chemical weapons, negative security assurances and the comprehensive programme of disarmament;

(d) the representative of Portugal to participate during 1984 in the plenary meetings and in the subsidiary bodies on chemical weapons and the comprehensive programme of disarmament;

(e) the representative of Viet Nam to address the plenary meetings of the Conference on 27 March and 26 July 1984 on the items on the agenda dealing with negative security assurances and the comprehensive programme of disarmament;

(f) the representative of Bangladesh to participate during 1984 in the plenary meetings and in the subsidiary body on the comprehensive programme of disarmament;

(g) the representative of the Holy See to address the plenary meeting of the Conference on 15 March 1984.

F. Expansion of the membership of the Conference

17. The Conference is aware of the urgency attached to the question of expansion of its membership in pursuance of paragraph 19 of its Report to the thirty-eighth regular session of the United Nations General Assembly.

18. The Conference had before it the requests for membership received from the following non-member States, in chronological order: Norway, Finland, Austria, Turkey, Senegal, Bangladesh, Spain, Viet Nam, Ireland, Tunisia, Ecuador, Cameroon and Greece.

19. During its 1984 session the Presidents of the Conference conducted appropriate consultations with the members, according to established practice, concerning the selection of additional members. A group of Socialist countries presented an informal working paper CD/WP.132 regarding modalities and guidelines for expansion. Other delegations also stated their views. The Conference recalled its decision that its membership might be increased by not more than four States and agreed that candidates for membership should be nominated, two by the Group of 21, one by the Socialist Group, and one by the Western Group, so as to maintain balance in the membership of the Conference.

20. The Conference will continue its consultations with a view to taking a positive decision at its next annual session and will inform accordingly the fortieth session of the United Nations General Assembly.

G. Proposals for the improved and effective functioning of the Conference

21. Various proposals concerning the improved and effective functioning of the Conference were put forward. The results of their examination by an informal group of seven members were embodied in Working Paper CD/WP.100/Rev.1, dated 19 July 1984. The Conference devoted three informal meetings to its consideration.

22. At its 282nd plenary meeting on 16 August 1984, the Conference took note, with appreciation, of Working Paper CD/WP.100/Rev.1. Several members made statements in connection with that Working Paper and made proposals concerning further work on the subject (CD/PV.282). It is understood that the Conference will continue the consideration of its improved and effective functioning at its 1985 session.

23. One delegation reviewed the proceedings of the Conference connected with the various proposals to create subsidiary organs on four of the main items of the agenda. Such a review proves conclusively that the failure to approve such proposals was mainly due to the aversion which the term "negotiation" seems to provoke among several of the members of one of the groups of the Conference. On the other hand, it is precisely multilateral negotiation on disarmament which was assigned as the main function of the Conference by the General Assembly in its Final Document of 1978, unanimously and categorically reaffirmed in 1982. It does not seem therefore that anybody could think of modifying such decision. Consequently, perhaps the best solution could be that the Conference on Disarmament or the General Assembly endeavour to elaborate an authoritative definition which may be acceptable to all of what should be understood by "negotiation" for the objectives assigned to the Conference.

H. Communications from Non-Governmental Organizations

24. In accordance with rule 42 of the Rules of Procedure, lists of all communications from Non-Governmental Organizations and persons were circulated to the Conference (Document CD/NGO.9 and 10).

III. SUBSTANTIVE WORK OF THE CONFERENCE DURING ITS 1984 SESSION

25. The substantive work of the Conference during its 1984 session was based on its agenda and programme of work adopted for the year. The list of documents issued by the Conference, as well as the texts of those documents, are included as Appendix II to the report. An index of the verbatim records by country and subject, listing the statements made by delegations during 1984, and the verbatim records of the meetings of the Conference are attached as Appendix III to the report.

26. The Conference had before it a letter dated 3 February 1984 from the Secretary-General of the United Nations (CD/428) transmitting all the resolutions on disarmament adopted by the General Assembly at its thirty-eighth session in 1983, including those entrusting specific responsibilities to the Conference on Disarmament:

- 38/62 "Cessation of all test explosions of nuclear weapons"
- 38/63 "Urgent need for a comprehensive nuclear-test-ban treaty"
- 38/67 "Conclusion of an international convention on the strengthening of the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons"
- 38/68 "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons"
- 38/70 "Prevention of an arms race in outer space"
- 38/72 "Immediate cessation and prohibition of nuclear-weapon tests"
- 38/73 G "Convention on the prohibition of the use of nuclear weapons"
- 38/182 "Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons"
- 38/183 C "Prohibition of the nuclear neutron weapon"
- 38/183 D "Nuclear weapons in all aspects"
- 38/183 G "Prevention of nuclear war"
- 38/183 H "Implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session"
- 38/183 I "Report of the Committee on Disarmament"
- 38/183 K "Comprehensive programme of disarmament"
- 38/187 A "Prohibition of chemical and bacteriological weapons"
- 38/187 B "Chemical and bacteriological (biological) weapons"

38/188 B "Review Conference of the Parties to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof"

38/188 D "Prohibition of the development, production, stockpiling and use of radiological weapons"

38/188 E "Prohibition of the production of fissionable material for weapons purposes"

27. At the 239th plenary meeting of the Conference on 7 February 1984, the Personal Representative of the United Nations Secretary-General and Secretary-General of the Conference conveyed to the Conference a message from the Secretary-General of the United Nations at the opening of the 1984 session (CD/PV.239). At the 271st plenary meeting of the Conference on 10 July 1984, the Secretary-General of the United Nations addressed the Conference. He stressed the high priority he attached to disarmament and expressed his concern over the present state of affairs, which he noted was the cause of deep anxiety to all nations.

28. In addition to documents separately listed under specific items, the Conference received the following:

(a) Document CD/423, dated 17 January 1984, submitted by the delegation of Mongolia, entitled "Texts of the Declaration by the Great People's Khural of the Mongolian People's Republic and the appeal by the Great People's Khural of the Mongolian People's Republic to the Parliaments of the Countries of Asia and the Pacific dated 7 December 1983".

(b) Document CD/427, dated 31 January 1984, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Replies given by Mr. Y.V. Andropov to questions from the newspaper Pravda".

(c) Document CD/434, dated 17 February 1984, submitted by a group of socialist States,^{1/} entitled "Organizational matters of the work of the Conference on Disarmament".

(d) Document CD/444, dated 19 March 1984, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Excerpt from the address of the General Secretary of the Central Committee of the Communist Party of the Soviet Union, Mr. K.U. Chernenko, to a meeting of voters of Kuibyshev electoral ward, Moscow on 2 March 1984".

^{1/} Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Union of Soviet Socialist Republics.

(e) Document CD/447, dated 9 March 1984, submitted by the delegation of the Islamic Republic of Iran, entitled "Letter dated 2 March 1984 from the Permanent Representative of the Islamic Republic of Iran addressed to the President of the Conference on Disarmament containing information on missile attacks and bombardments in both military and civilian areas of the Islamic Republic of Iran".

(f) Document CD/475, dated 15 March 1984, submitted by the delegation of the Islamic Republic of Iran, entitled "Letter dated 13 March 1984 from the Permanent Representative of the Islamic Republic of Iran concerning the use of geographical terms in submissions to the Conference on Disarmament".

(g) Document CD/481 and Corr.1, dated 23 March 1984, submitted by the delegation of Poland, entitled "Peace Appeal by the National Conference of Delegates of the Polish United Workers' Party, Warsaw, 18 March 1984".

(h) Document CD/497, dated 11 April 1984, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Konstantin Chernenko's answer to questions by the Newspaper 'Pravda'".

(i) Document CD/501, dated 26 April 1984, submitted by the delegation of Hungary, entitled "Communiqué of the meeting of the Committee of Ministers for Foreign Affairs of the States parties to the Warsaw Treaty".

(j) Document CD/513, dated 29 June 1984, submitted by the Group of 21,^{2/} entitled "Statement of the Group of 21".

(k) Document CD/528, dated 1 August 1984, submitted by the Secretariat, entitled "List of documents relating to the items on the agenda of the Conference on Disarmament, including documents of the Eighteen-Nation Committee on Disarmament (ENDC: 1962-1969); The Conference of the Committee on Disarmament (CCD: 1969-1978); the Committee on Disarmament and the Conference on Disarmament (CD: 1979-1984)".

(l) Document CD/538, dated 20 August 1984, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Tass Statement".

A. Nuclear test ban

29. The item on the agenda entitled "Nuclear test ban" was considered by the Conference, in accordance with its programme of work, during the periods 20-24 February and 18-22 June 1984.

^{2/} Algeria, Argentina, Brazil, Burma, Cuba, Egypt, Ethiopia, India, Indonesia, Islamic Republic of Iran, Kenya, Mexico, Morocco, Nigeria, Pakistan, Peru, Sri Lanka, Sweden, Venezuela, Yugoslavia, Zaire.

30. During the first part of the annual session, the Conference had before it the Third Report of the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events, as well as a Progress Report on the 17th session of the Ad Hoc Group, as contained in Document CD/448 and CD/449 respectively. The Ad Hoc Group met from 27 February to 9 March 1984 under the Chairmanship of Dr. Ola Dahlman of Sweden. At its 257th plenary meeting on 10 April 1984, the Conference adopted the recommendation contained in the Progress Report on the 17th session of the Ad Hoc Group (CD/449) and, at its 259th plenary meeting on 17 April 1984, took note of its Third Report (CD/448).

31. In accordance with the recommendation contained in the Progress Report on its 17th session, the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events met from 30 July to 10 August 1984 and submitted a paper entitled "Procedures for the GSE Technical Test (GSETT) 1984", as well as a Progress Report on its 18th session, as contained in documents CD/534 and CD/535, respectively. At its 283rd plenary meeting on 21 August 1984, the Conference took note of document CD/534 and adopted the recommendation contained in the Progress Report (CD/535).

32. The following documents were submitted to the Conference in connection with the item during the 1984 session:

(a) Document CD/430, dated 7 February 1984, submitted by the delegation of Sweden, entitled "Nuclear Explosions 1945-1983".

(b) Document CD/438, dated 24 February 1984, submitted by the delegation of Mexico, entitled "Draft Mandate for the (ad hoc subsidiary body) on a Nuclear Test Ban".

(c) Document CD/491, dated 28 March 1984, submitted by the delegation of the Federal Republic of Germany, entitled "Working Paper: aspects of modern developments in seismic event recording techniques".

(d) Document CD/492, dated 28 March 1984, submitted by the Group of 21, entitled "Draft Mandate for the ad hoc subsidiary body on a Nuclear Test Ban".

(e) Document CD/507, dated 15 June 1984, submitted by the delegation of Norway, entitled "Working Paper: Seismic Verification of a Comprehensive Nuclear Test Ban: Future Directions".

(f) Document CD/520, dated 19 July 1984, submitted by the Group of 21, entitled "Draft Mandate for the Ad Hoc Committee on a Nuclear Test Ban".

(g) Document CD/521, dated 20 July 1984, submitted by the delegations of Australia; Belgium; Canada; Germany, Federal Republic of; Italy; Japan;

Netherlands; United Kingdom and United States of America, entitled "Draft Mandate for the Ad Hoc Subsidiary Body on item 1 of the agenda of the Conference on Disarmament entitled 'Nuclear Test Ban'".

(h) Document CD/522, dated 20 July 1984, submitted by a group of socialist States, entitled "Draft Mandate for an Ad Hoc Committee on item 1 of the agenda of the Conference on Disarmament".

(i) Document CD/524, dated 25 July 1984, submitted by the delegation of Japan, entitled, "Working Paper: step-by-step approach to a Comprehensive Test Ban".

(j) Document CD/531, dated 6 August 1984, submitted by the delegation of Australia, entitled "Working Paper: Principles for the Verification of a Comprehensive Nuclear Test Ban Treaty".

33. In accordance with its programme of work relating to the consideration of the establishment of subsidiary bodies on items of its agenda, the Conference held, at the beginning of the first part of the session and subsequently, a number of informal meetings, inter alia, on the establishment of an ad hoc committee on item 1. A large number of delegations were convinced that the mandate of the former subsidiary body on a nuclear test ban fell far short of meeting the expectations of the international community from the Conference on Disarmament. That mandate, in their view, did not correspond to the consistent recommendation of the United Nations General Assembly over the past 25 years, for an urgent conclusion of a treaty on a nuclear weapons test ban. They therefore felt that the Conference must revise the mandate of the NTB subsidiary body so as to empower it to actually negotiate a treaty banning nuclear-weapons tests and not merely to engage in a discussion of peripheral issues in the name of verification. Other delegations including two nuclear-weapon States were of the view that it did not make sense to revise the mandate from its terms in the previous session, as the Conference had by no means completed its work under this mandate, but, in a spirit of compromise, they were willing to broaden the previous mandate substantially in order to make progress toward the eventual objective of a complete cessation of nuclear explosions.

34. At the 255th meeting, on 3 April 1984, at the request of the Group of 21, the President put before the Conference for decision the proposal of that Group, contained in document CD/492, on the mandate for an ad hoc committee on item 1 of the agenda. A group of socialist countries supported this proposal. Some other delegations, however, were unable to agree to adopt it. Therefore, the President noted that there was at that time no consensus on it.

35. During the second part of its session, the Conference continued to deal with the question of the establishment of a subsidiary body on item 1 of its agenda. At its 274th plenary meeting, on 19 July 1984, the Group of 21 introduced in document CD/520 an updated version of the draft submitted in document CD/492. At the 275th plenary meeting, on 24 July, a draft mandate was introduced in document CD/521 on behalf of a group of nine Western States who expressed the view that consultations should continue. A group of Socialist States introduced a draft mandate in document CD/522, based on proposals formulated in document CD/434 of 17 February 1984. In view of the submission of those two draft mandates and the statements made on that day, the Group of 21 agreed to postpone a decision on its own draft mandate until the next plenary meeting. At the 276th plenary meeting, on 26 July 1984, at the request of the Group of 21 the President put before the Conference for decision the proposal of that Group, contained in document CD/520, on the mandate for an ad hoc committee on item 1 of the agenda. A group of socialist countries supported this proposal of the Group of 21 and stated that it would not press for a decision on its own draft mandate, contained in document CD/522, should the Group of 21's proposal be adopted. One delegation, speaking on behalf of the nine Western delegations which had earlier submitted a draft mandate, questioned whether there had been sufficient consultations on the matter and proposed that there should be further delay before a decision was taken. The Group of 21 reiterated that there had been enough consultations, and as a reminder stated that the proposals made by the Western Group had, in fact, been discussed for several weeks. Another delegation speaking as co-ordinator of the Group of Western countries regretted that it had not been possible to unite all delegations in that group behind the mandate contained in document CD/520 which could not therefore join in a consensus on that mandate. It further stated that, in its view, the process of consultations with a view to establishing such a body had not been fully utilized. It noted the grave consequences of putting forward a mandate for decision by the Conference in full knowledge that it would not be acceptable to all, as well as the grave consequences of demanding too much at an arbitrarily chosen time in a Conference that was based on consensus: that the Conference would not be able to tackle a subject of such vital importance at all, and that all delegations would thereby be prevented from doing useful and

constructive work in the field of nuclear testing. In this connection, a member of the Group of 21 stated that the question of the complete prohibition of nuclear weapon testing had been included for over a quarter of a century in the agenda of the United Nations as an item of the highest priority. It therefore expressed its conviction that there had been no arbitrariness nor undue haste in submitting a mandate which would have enabled the Conference on Disarmament to initiate the immediate negotiation of a treaty whose conclusion had been long overdue, as the General Assembly requested in its resolution 38/62. The President noted that there was at that time no consensus for the adoption of the draft mandate proposed by the Group of 21. The co-ordinator of the Group of 21 expressed the deep disappointment of his group that it had not been possible to set up an ad hoc committee and said that the group was not in a position to endorse the draft submitted by a group of Western States in document CD/521. While regretting the lack of consensus on its proposal, the Group of 21 expressed its determination to persevere in its search for a suitable solution which would make it possible for the Conference on Disarmament to undertake as rapidly as possible a negotiating process on agenda item 1. The Group of 21 also expressed the hope that the delegations which once again had not been in a position to join in a consensus on the setting up of an ad hoc committee with an appropriate mandate on a nuclear-test ban would take advantage of the period between sessions to reflect on the seriousness of the situation and revise their position so as to bring it into line with the appeals of the international community. The Group of 21 was prepared to adopt the draft mandate of a group of Socialist States contained in document CD/522. The President then put before the Conference for decision the proposal of a group of Socialist States contained in document CD/522 on the mandate for an ad hoc committee on item 1 of the agenda. One delegation speaking as co-ordinator of the group of Western countries stated that, in view of the position of certain delegations, it could not join in a consensus on this draft text, and referred also to the statement made on behalf of its group regarding document CD/520. The President declared that there was at that time no consensus on the proposal. A representative of the group of Socialist States stated that they regretted that no

consensus had been reached on document CD/522. The group of Socialist States, however, would not cease its efforts to achieve an agreement which would allow the commencement of negotiations on a treaty banning all nuclear-weapons tests. The proposal for the mandate of an ad hoc committee on item 1 put forward by a group of nine Western countries in document CD/521 was not submitted to the Conference for a decision.

36. A number of delegations addressed the issues concerning a nuclear-test ban at plenary meetings of the Conference.

37. The Group of 21 considered that at present the survival of mankind was in jeopardy owing to the existence of more than 50,000 nuclear weapons. The Group further noted with profound concern that the nuclear arms race, far from ceasing, continued at an ever-accelerating speed and was characterized by the continuous advent of new and more sophisticated weapons systems as well as the refinement of existing ones. In the view of the Group the time to put an end to this situation had been long overdue. The Group of 21 believed that it was imperative that the nuclear-weapon States cease to regard nuclear weapons as essential elements of their security at the expense of the security of everybody else, and begin the process of halting the nuclear arms race in its quantitative and qualitative aspects. The Group of 21 considered that to that end all nuclear-weapons States should stop the testing, production and deployment of nuclear weapons. In that context, the Group of 21 viewed a nuclear-test ban as an indispensable step towards curbing the qualitative development of nuclear weapons. The Group of Socialist countries in general shared this point of view. Other delegations expressed their disagreement with elements of the views set forth in the previous section of this paragraph.

38. The Group of 21 further stated that in the absence of agreement on the setting up of an ad hoc committee with a suitable mandate the Conference would once again this year have devoted in all only four plenary meetings to this issue which, however, was included in its agenda with highest priority. Clearly, such treatment was, in the view of that Group, in keeping neither with the importance of the issue and its possible impact on a nuclear disarmament process nor with the urgency of the matter. In 1982, concerned at the continuing lack of negotiations on this agenda item, the Group of 21, in a display of a spirit of compromise, agreed to

participate in a consensus on the setting up of an ad hoc working group with a mandate which it nevertheless considered inadequate. In doing so, the Group of 21 was inspired by the will to overcome the impasse and make it possible to set up a working group on a nuclear-test ban. In a further display of flexibility, the Group of 21 did not oppose the renewed setting up of the Working Group with the same mandate in 1983, although it considered that the Working Group had exhausted the consideration of the issues of verification and compliance. In the light of this, the Group of 21 considered that the time had come for the Conference to take a responsible decision and engage without delay in negotiations on a nuclear-test-ban treaty in an ad hoc committee set up for that purpose. This view was shared by the Group of Socialist countries. Other delegations pointed out that issues relating to the nuclear-test ban had been discussed on many occasions. Discussion, in their view, had not been confined to the four plenary meetings listed on the programme of work. They recalled that while not agreeing that the previous mandate had been exhausted they were willing to expand it in a spirit of compromise.

39. The Group of 21 recalled that the complete cessation of nuclear-weapon tests was a question that had been under consideration for more than 25 years and had been the subject of more than 40 resolutions of the General Assembly. It further recalled that already in 1972 the Secretary-General of the United Nations had declared that all technical and scientific aspects of the problem had been so fully explored that only a political decision was necessary to achieve final agreement, that when the existing means of verification were taken into account it was difficult to understand further delay in achieving agreement on an underground-test ban, and that the potential risks of continuing underground nuclear-weapon tests would far outweigh any possible risks from ending such tests. The Group of 21 stressed the need for the Conference to implement General Assembly resolution 38/62 and to initiate immediately the multilateral negotiations of a treaty for the prohibition of all nuclear-weapon tests. Accordingly the Group proposed the establishment of an ad hoc committee to initiate such negotiations. The Group of 21 deplored once again the fact that a very small number of delegations had prevented the initiation of negotiations on a matter to which the international community had for so long assigned the highest priority. It was held that under the circumstances serious consideration should be given to examining, as of the beginning of the 1985 session of the Conference, the amendment to the Rules of Procedure proposed by the Group of 21 in 1982, to the effect that the rule of consensus should not be used in such a way as to prevent the establishment of subsidiary organs for the effective performance of the functions of the Conference.

40. The group of Socialist States generally considered the earliest completion of the preparation of a treaty on the complete and general prohibition of nuclear-weapon tests and, until the conclusion of such a treaty, the proclamation by all nuclear-weapon States of a moratorium on all nuclear explosions to be among the most immediate and significant measures for the prevention of nuclear war. They proposed the establishment of an ad hoc committee of the Conference to carry out practical negotiations with a view to elaborating a corresponding treaty. These delegations further expressed the view, which was shared by a number of other delegations, that the two draft treaties (CD/346 and CD/381) tabled in the Committee on Disarmament in 1983, together with the knowledge and experience accumulated in the multilateral negotiating body over the years, could serve as a sound basis for negotiations and eventual agreement on the subject. The Group of Socialist States deplored the fact that negotiations on a treaty on the complete and general prohibition of nuclear weapon tests had not yet been started at the CD because of the resistance which some nuclear-weapon States were putting up against such negotiations. They rejected endeavours of some countries to engage the Conference in meaningless discussions on a nuclear test ban, which could be turned into a smokescreen for the lack of political will on the part of some countries to stop nuclear testing. The group held the view that a treaty on the complete and general prohibition of nuclear weapon tests, including verification provisions, should be elaborated in the framework of practical treaty negotiations. In this connection it was emphasized that it was not an alleged verification problem that prevented progress towards a comprehensive test ban treaty. In the view of the Group of Socialist States all possibilities existed today to sufficiently verify compliance with such a treaty. Consequently, the group appealed to the nuclear-weapon States concerned to review their positions and to come up with a clear commitment to treaty negotiations. Western delegations rejected the presumed characterization of their views as set forth in the preceding section of this paragraph, and disagreed that the problems of verification and compliance in a future test ban had been solved. This rejection was, however, dismissed by some other delegations as groundless and as an attempt to present their position in a more favourable light. The delegations concerned, however, considered their views as well-grounded and substantial, and as having nothing to do with appearances.

41. In the view of one nuclear-weapon State, member of the group of Socialist States, the question of a nuclear-weapon test ban under present conditions had acquired particular importance and urgency. It reiterated its readiness to continue without further delay negotiations on this issue and to consider, should a subsidiary body on item 1 of the Conference's agenda be provided with a negotiating mandate, inter alia,

the possibility of organizing an exchange of data on the radioactivity of air masses with the establishment of appropriate international data centres on the same basis as was envisaged in respect of the seismic data exchange. It added that it would elaborate on this proposal in the negotiations within an appropriate ad hoc Committee.

42. A group of western countries reaffirmed their commitment and the great importance they attached to a Comprehensive Nuclear Test Ban. They favoured the re-establishment of a subsidiary body on item 1 of the Conference's agenda to resume its substantive examination of specific issues relating to such a ban, including the issue of scope as well as those of verification and compliance with a view to negotiation of a treaty on the subject. They further proposed ~~that~~ the subsidiary body should examine the institutional and administrative arrangements necessary for establishing, testing and operating an international seismic monitoring network as part of an effective verification system. They urged the Conference to adopt the draft mandate which had been tabled on behalf of nine delegations and which was in accordance with the requests as contained in General Assembly resolution 38/63, because that mandate, in their view, was the best formula available at the present time and under the present circumstances and would enable substantive work to take place. They pointed to the fact that, although it had not been possible to establish an ad hoc Committee, delegations from this Group had presented three working papers (CD/491, CD/524, and CD/531) in an effort to make further progress in dealing with substantive issues related to the important subject of a comprehensive nuclear test ban and stated that they intended to continue to present substantive working papers in order to contribute to the resolution of matters connected with a Comprehensive Nuclear Test Ban Treaty. That group of delegations further emphasized that the scope of a Comprehensive Nuclear Test Ban Treaty should be such as to ban all nuclear tests by all States, in all environments for all time and should not be limited solely to nuclear weapons tests. They deplored the fact that in spite of serious efforts, it had not been possible to set up an ad hoc committee under item 1 and stressed their willingness to continue consultations on the important issue of such a mandate. One delegation of that group regretted in particular that it had not been possible for consensus to be reached on a mandate for the negotiation of such a Comprehensive Nuclear Test Ban but believed it was imperative for the Conference to establish an ad hoc subsidiary body under item 1 in which work representing substantive progress towards the negotiation of such a Comprehensive Nuclear Test Ban could be undertaken. To assist in the consideration of the verification aspect of such a Comprehensive Nuclear Test Ban Treaty that delegation tabled a working paper (CD/531) which incorporated principles for the verification of a Comprehensive Nuclear Test Ban Treaty.

43. Many delegations noted that no other subject had been under examination for such a long time as that of the nuclear test ban. They further recalled that the issues of verification and scope had been extensively discussed during the 1982 and 1983 sessions in the Ad Hoc Working Group that had been set up under agenda item 1. They pointed out that already in 1982 they had accepted the terms of the present mandate only because they were persuaded that the explicit reference to the need to take into account existing proposals and future initiatives and to the adoption of a decision by the Committee on Disarmament on subsequent courses of action, should necessarily be interpreted as meaning that the Group's mandate should be broadened, as required by those proposals and initiatives, not in the indefinite future but at a very early date. These delegations further recalled that in 1983 they had stated the view that the Ad Hoc Working Group had fulfilled its mandate and that it should be changed in order to enable the Working Group to proceed without further delay to negotiations on a nuclear test ban treaty. For the above reasons, those delegations rejected the view of one member that the mandate it had tabled on behalf of nine delegations, including two nuclear-weapon States, was the best formula available at the present time and under the present circumstances and would enable substantive work to take place. Those delegations also stated that the draft mandate tabled by a Western group of delegations was not in conformity with the specific request addressed to the Conference on Disarmament in paragraph 6 of General Assembly resolution 38/62 to "initiate immediately the multilateral negotiation of a treaty for the prohibition of all nuclear-weapon tests". Those delegations further maintained that a mandate which did not envisage negotiations on a treaty on the complete and general prohibition of nuclear weapon tests would not correspond to the urgent necessity of achieving a Comprehensive Nuclear Test Ban Treaty, as demanded in many resolutions of the United Nations General Assembly, and might only constitute a smokescreen for the lack of political will on the part of some nuclear-weapon States to stop nuclear testing. Other delegations rejected this characterization of the views of some nuclear-weapon States. With regard to the working papers referred to in paragraph 42 above, many delegations drew the attention of Western delegations to the urgent need for negotiations with a view to elaborating a treaty on the complete and general prohibition of nuclear weapon tests which could not be replaced by a mere discussion of technical issues. They maintained that technical questions, connected with such a treaty, should be taken up in the process of negotiations. These Western delegations reiterated their view that in the past they had made substantive contributions on a large number of issues related to a comprehensive nuclear test ban, i.e. verification and compliance, scope, organizational matters, and that they intended to continue their efforts to contribute to the resolution of substantive issues connected with a comprehensive nuclear test ban.

44. One delegation suggested that in order to find a break-through in the existing impasse on the issue, the Conference should make an in-depth study of "a step-by-step formula", under which underground nuclear test explosions of a yield considered at present technically verifiable on a multinational basis would be taken as the threshold, and agreement would be reached on banning test explosions overstepping that threshold, and thereafter the threshold would be lowered as the verification capability is improved. This proposal was based on the belief that, under the present situation, the step-by-step formula is the most realistic option leading to a comprehensive test ban and also on the recognition that what is not adequately verifiable cannot be effectively prohibited. Some members of the Group of 21 had serious apprehensions as to the idea of a separate threshold arrangement as such. They shared the view that the experience of the existing threshold test ban treaty, which only prohibited nuclear weapon tests above 150 kilotons, was hardly encouraging since, in their view, it had reduced rather than enhanced confidence between the signatories. Members of this group further pointed out that any reasonable demands for a reliable verification system can be fulfilled with the existing scientific and technical resources. These delegations considered that threshold proposals and other "step-by-step" approaches tended to legitimize nuclear weapon testing. Furthermore, such approaches, in their view, did not preclude the modernization of nuclear weapons and thus failed to contribute to the cessation of the qualitative development of nuclear weapons. Certain of these delegations, while indicating their readiness to participate in endeavours to further develop the concept inherent in the "step-by-step" formula, emphasized that such a formula would only be acceptable to them if it was for a short phase-out period directly linked to the conclusion of a test ban treaty. Some other delegations pointed out that, in their view, the "step-by-step formula" could constitute a transitional and evolutionary measure which would bring the Conference ever closer to a comprehensive test ban in a progressive manner.

45. One nuclear-weapon State, member of the Western group of delegations, supported a continuation of work on issues relating to verification and compliance because it believed that resolution of these issues was crucial if a comprehensive nuclear test ban were eventually to be achieved. That State noted that its position had been completely consistent on this point, and that there remained many issues on which a detailed and thorough discussion had hardly begun in the nuclear test ban working group in 1983. In recalling the report of that working group, that State asked how the Conference, based on such a report, possibly could accept the view that its work had been completed, and that it was now time to move on to other issues. It urged that it be realized that it was important to fulfil the mandate, and to pursue the unfinished business of the working group. In this connection, that State reaffirmed

its commitment to a comprehensive nuclear test ban, and stated that it was its ultimate objective. It further stated that the point of departure was the question of timing, not the principle. Its Government was firmly committed to significant and verifiable arms reductions, expanded confidence-building measures, and effective verification capabilities, but until it was persuaded that these policy objectives were not only being seriously addressed but well along the road to being satisfied, it was not prepared to agree to a mandate that provided for negotiations in a subsidiary body on nuclear test ban. That State noted, however, that this did not mean that the Conference could not make a true contribution toward the eventual achievement of a nuclear test ban. And it had further expressed its willingness, in a spirit of compromise, to broaden substantially the mandate of the subsidiary body with a view to making further progress toward the objective of a nuclear test ban. Another nuclear-weapon State belonging to the same group of delegations expressed its disappointment at the failure to set up an Ad Hoc Committee; the delegation recalled that its Government had the previous year supported the formation of a working group on a comprehensive nuclear test ban which would concentrate on a detailed examination of issues relating to verification, the major point of difficulty which had frustrated all attempts at negotiation thus far. It believed that unless a measure of agreement was reached on this fundamental point, negotiations on a comprehensive test ban would not be successful. Changing the mandate would not help, in its view, to find a solution to this basic problem. Nevertheless this delegation had joined willingly with other Western delegations in the search for compromise language; it had been disappointed at the lack of response to a revised draft which had been circulated. It believed that it was not too late to reach agreement on the text formally tabled in the name of nine Western delegations (CD/521) in order to provide the basis for a systematic discussion of this pertinent issue.

46. Many delegations recalled that in 1980 those two nuclear-weapon States, together with a third one, submitted to the Committee on Disarmament a report on the trilateral negotiations which had been under way since 1977 in which, inter alia, they stated the following:

"The negotiating parties are seeking a treaty that for decades has been given one of the highest priorities in the field of arms limitation, and the Soviet Union, the United Kingdom and the United States continue to attach great importance to it. The desire to achieve an early agreement, which is so widely shared by the international community, has been repeatedly expressed at the highest level of all three Governments.

"Global interest in the cessation of nuclear weapon tests by all States has been recorded by a succession of resolutions of the United Nations General Assembly and by the Final Document of the Special Session on Disarmament of the United Nations General Assembly. It has been stated in the preambles to a number of international arms limitation treaties now in force, and its significance will again be underlined in the forthcoming second Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons.

"The objectives which the negotiating parties seek to achieve as a result of this treaty are important to all mankind. Specifically, they seek to attain a treaty which will make a major contribution to the shared objectives of constraining the nuclear arms race, curbing the spread of nuclear weapons, and strengthening international peace and security.

"The negotiating parties are mindful of the great value for all mankind that the prohibition of nuclear weapon test explosions in all environments will have, and they are conscious of the important responsibility placed upon them to find solutions to the remaining problems. The three negotiating parties have come far in their pursuit of a sound treaty and continue to believe that their trilateral negotiations offer the best way forward. They are determined to exert their best efforts and necessary will and persistence to bring the negotiations to an early and successful conclusion."

These delegations considered that the behaviour in the Conference on Disarmament of the two Western nuclear-weapon States which subscribed to the above report was not compatible with the above statement and that it demonstrated that, in the view of those delegations, what was required in 1984 was a political decision to conclude a nuclear test ban and that it was those States that refused to take that decision that bore the sole responsibility for the paralysis of the Conference with respect to agenda item 1. Some other delegations categorically rejected these allegations concerning the policies and actions of two nuclear-weapon States in the Conference, and referred to their views as recorded elsewhere in this report. This rejection was, however, dismissed by some other delegations as groundless and as an attempt to present their position in a more favourable light. The delegations concerned, however, considered their views as well-grounded and substantial, and as having nothing to do with appearances.

47. Many delegations further considered that the positions now taken by those nuclear-weapon States, depositaries of the Partial Test Ban Treaty of 1963, were not reconcilable with the legal commitment accepted by them in that Treaty, in whose preamble it is stated: "seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end ...".

In connection with the views expressed in paragraphs 42 and 45, they noted that the overwhelming majority of nations considered that existing means of verification were adequate to assure compliance with a nuclear test ban. Therefore the alleged lack of adequate verification was, in their view, nothing but an excuse for further testing and refinement of nuclear weapons. The two nuclear-weapon States rejected the allegation that they had not acted completely in accordance with their obligations under the Partial Test Ban Treaty of 1963.

48. Many delegations were also of the opinion that the approach of the two nuclear-weapon States belonging to the Western group of delegations was tantamount to blocking useful practical work on agenda item 1. They were convinced that it was not an alleged verification question that prevented progress towards a prohibition of nuclear weapon tests, but the lack of political will of certain nuclear-weapon States to cease nuclear testing. They further held the view that the position of one major nuclear-weapon State stemmed from its well-known plans to continue and extend the testing of nuclear weapons in order to implement its programmes of developing and deploying new types and systems of nuclear weapons, thus fuelling even further the nuclear arms race in that State's quest for nuclear superiority. Those delegations strongly condemned this policy and stated that the full responsibility for the dangerous consequences of the refusal to negotiate a nuclear test ban treaty rested squarely with the two nuclear-weapon States, one of which refused in 1982 to continue the trilateral negotiations on the subject. Other delegations, including the two nuclear-weapon States in question, categorically rejected these allegations and referred to the description of their policies with respect to nuclear disarmament which had been made clear in official statements and which were summarized elsewhere in the Report of the Conference. This rejection was, however, dismissed by some other delegations as groundless and as an attempt to present their position in a more favourable light. The delegations concerned, however, considered their views as well-grounded and substantial, and as having nothing to do with appearances.

49. Some delegations also stated that the further work of the Ad Hoc Group of Scientific Experts to Consider International Co-operative measures to Detect and Identify Seismic Events would be meaningless unless certain nuclear-weapon States refrained from creating obstacles for practical negotiations on a treaty on complete and general prohibition of nuclear-weapon tests. Other delegations supported the continuation of efforts of the Group of Scientific Experts under present circumstances as a valuable and practical contribution to the work of the Conference. Still other delegations considered that the Ad Hoc Group of Scientific Experts to Consider International Co-operative measures to Detect and Identify Seismic Events could not continue its work in a vacuum and that the future of its work should be related to a negotiating process on a nuclear test ban.

50. Many delegations, noting the position of one or two nuclear-weapon States as expressed in paragraph 45, in particular the statement made by one of them, that a nuclear test ban was an ultimate objective, and that they were not prepared to agree to any negotiation on the issue at this time, felt that under the circumstances the establishment of a subsidiary body to resume the substantive examination of issues relating to a NTB would only serve as a smokescreen to cover their unwillingness to conclude a treaty. These delegations further reaffirmed their conviction that agreement on basic principles could be reached only through the process of negotiation and that it should not be made a precondition to the initiation of such a process. They also stated that the refusal of those two nuclear-weapon States to negotiate a nuclear test ban reflected a military policy of continued reliance on nuclear weapons and consequent unwillingness to put an end to the nuclear arms race. Other delegations disagreed completely with this characterization of the situation.

51. Most delegations considered that the cessation of the nuclear arms race required the participation of all nuclear-weapon States in the negotiation of a nuclear test ban. They deplored the refusal of two nuclear-weapon States to participate in the consideration of the item which demonstrated their determination to continue the quantitative and qualitative development of these weapons of mass destruction.

52. One nuclear-weapon State reiterated that it would be prepared, once the two States with the largest nuclear arsenals had taken the lead in halting the testing, improvement and production of nuclear weapons and substantially reducing their nuclear weapons, to take corresponding measures.

53. The delegation of the other nuclear-weapon State referred to above disagreed with the opinions expressed in paragraph 51. In its view, commitments in this field should be part of the process of nuclear disarmament; such commitments should be taken first by the two countries which possessed by far the most important nuclear arsenals and conducted by far the highest number of tests. Therefore this delegation was not in a position to participate in work, the objective of which would be the negotiation of an agreement to which its country could not subscribe, until the conditions for a commitment on its part had been fulfilled.

54. The delegations that considered that the cessation of the nuclear arms race required the participation of all nuclear-weapon States in the negotiation of a nuclear test ban, were of the view that the disparity that may exist between the nuclear arsenals of the two major nuclear-weapon States, on the one hand, and the

nuclear arsenals of other nuclear-weapon States on the other hand, did not exempt the latter from participating in the consideration of a question that was an integral part of the process for the elimination of the fundamental disparity that existed between nuclear-weapon States and non-nuclear-weapon States.

B. Cessation of the nuclear arms race and nuclear disarmament

55. The item on the agenda entitled "Cessation of the nuclear arms race and nuclear disarmament" was considered by the Conference, in accordance with its programme of work, during the periods 27 February-2 March and 25-29 June 1984.

56. The following new documents were before the Conference in connection with the item:

(a) Document CD/442, dated 8 December 1983, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Statement of Y.V. Andropov, General Secretary of the Central Committee of the Communist Party of the Soviet Union and Chairman of the Presidium of the Supreme Soviet of the USSR".

(b) Document CD/436, dated 21 February 1984, submitted by the delegations of Mexico, Peru and Venezuela, entitled "Letter dated 20 February 1984 from the representatives of Mexico, Peru and Venezuela addressed to the President of the Conference on Disarmament".

(c) Document CD/493, dated 2 April 1984, submitted by the delegation of Romania, entitled "Appeal of the Grand National Assembly of the Socialist Republic of Romania to the Supreme Soviet of the Union of Soviet Socialist Republics, the Congress of the United States of America, the Parliaments of European countries on whose territories intermediate-range missiles are installed, and the Parliaments of other European countries and Canada".

(d) Document CD/502, dated 6 June 1984, submitted by the delegations of Argentina, India, Mexico and Sweden, entitled "Joint Declaration issued on 22 May by the Heads of State or Government of Argentina, Greece, India, Mexico, Sweden and Tanzania".

(e) Document CD/503, dated 7 June 1984, submitted by the delegation of Peru, entitled "Text of a communication addressed by Dr. Sandro Mariategui Chiappe, President of the Council of Ministers and Minister for Foreign Affairs of Peru, to Licenciado Bernardo Sepulveda, Minister for Foreign Affairs of Mexico, on 31 May 1984".

(f) Document CD/504, dated 7 June 1984, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Text of the statement of the Soviet Government of 31 May 1984 in connection with the Joint Declaration of Argentina, Greece, India, Mexico, Sweden and Tanzania".

(g) Document CD/523, dated 20 July 1984, submitted by a group of socialist States, entitled "Draft Mandate for an Ad Hoc Committee on item 2 of the agenda of the Conference on Disarmament".

(h) Document CD/526, dated 26 July 1984, submitted by the Group of 21, entitled "Statement on item 2 of the agenda of the Conference on Disarmament entitled 'Cessation of the Nuclear Arms Race and Nuclear Disarmament'".

57. In connection with agenda item 2, a contact group was established to consider the procedure to be followed by the Conference for dealing with this item, including proposals for the establishment of a subsidiary body, but no consensus could be reached. Subsequently, a group of socialist countries and the Group of 21 submitted proposals for the establishment of an ad hoc committee (CD/523 and CD/526, respectively). At the 281st plenary meeting on 14 August 1984, at the request of a group of socialist States, the President put before the Conference for decision the proposal of that Group, contained in document CD/523, on the mandate for an ad hoc committee on item 2 of the agenda. On behalf of a group of western countries, it was stated that they were not yet convinced of the need for such an ad hoc committee, and, therefore, they were not in a position to support the proposal contained in document CD/523. Therefore, the President noted then that there was no consensus on the adoption of the draft mandate proposed by a group of socialist States. He afterwards put for a decision the draft mandate proposed by the Group of 21, contained in paragraph 7 of document CD/526. The group of socialist countries expressed its support for the draft mandate contained in document CD/526. On behalf of a group of western countries, it was declared that their statement in connection with document CD/523 also applied to the draft mandate proposed in document CD/526. Therefore, the President noted then that there was no consensus on the proposal of the Group of 21.

58. Several delegations addressed various issues relating to the cessation of the nuclear arms race and nuclear disarmament at plenary meetings of the Conference.

59. The Group of 21 deplored that, although the Conference on Disarmament was the single multilateral negotiating body in the field of disarmament and nuclear weapons were a subject of the highest priority, it was not possible to establish an ad hoc committee to initiate multilateral negotiations because of the persistent

opposition of certain nuclear-weapon States and their allies which based their security policy on the possibility of the use of nuclear weapons and continued the nuclear arms race to ever-rising levels of qualitative and quantitative enhancement of the nuclear overkill capacity. Other delegations belonging to a group of western States, including three nuclear-weapon States, rejected this characterization of their security policies, which were solely defensive and had contributed to preserving peace and security for almost 40 years. Many delegations rejected the assertion that deterrence had prevented a nuclear war and that, therefore, deterrence had worked. Those delegations considered that apart from the fact that many other factors of a historical, political and other nature had to be considered, it was a truism to say that deterrence worked because that statement would hold true only until history disproved it. History indicated that once a particular type of weapon had been developed it would be used as had already been the case with nuclear weapons.

60. The Group of 21 stressed its firm belief that the Conference on Disarmament, whose members included all the nuclear-weapon States, should be allowed to fulfil its task in the sphere of nuclear disarmament and certain nuclear-weapon States should not abuse the rule of consensus so as to prevent the Conference from dealing with the nuclear issues on its agenda.

61. The Group of 21 reiterated its conviction of the paramount need for urgent multilateral negotiations on the cessation of the nuclear arms race and nuclear disarmament through the adoption of concrete measures. In the opinion of the Group of 21, multilateral negotiations on nuclear disarmament had been long overdue and in any event bilateral negotiations, because of their limited scope and the number of parties involved, could never replace the genuinely multilateral search for nuclear disarmament measures. The Group of 21 fully shared the view stated in the Final Document of the first special session of the General Assembly devoted to disarmament that the nuclear arms race, far from contributing to the strengthening of the security of all States, on the contrary weakened it, and increased the danger of the outbreak of nuclear war. In addition, the nuclear arms race thwarted efforts towards the relaxation of international tensions. On the other hand progress in the sphere of nuclear disarmament would promote international peace and security and improve the international climate, which would in turn facilitate agreement on further measures of disarmament.

62. The Group of 21 reaffirmed its position that all nations had a vital interest in negotiations on nuclear disarmament, because the existence of nuclear weapons in the arsenals of a handful of States and their quantitative and qualitative development directly jeopardized the security of both nuclear and non-nuclear weapon States. The Group considered that doctrines of nuclear deterrence, which in the ultimate analysis were predicted upon the willingness to use nuclear weapons, far from being responsible for the maintenance of international peace and security, lay at the root of the continuing escalation of the quantitative and qualitative development of nuclear armaments and led to greater insecurity and instability in international relations. In its view the competitive accumulation of nuclear arms by the nuclear-weapon States could not be condoned on grounds that it was indispensable for their security. Moreover, the Group of 21 rejected as politically and morally unjustifiable that the security of the whole world should be made to depend on the state of relations existing among nuclear weapon States. The Group expressed its conviction that it was necessary to take constructive action towards halting and reversing the nuclear arms race and in that context it recalled once again paragraph 50 of the Final Document which sets out the stages of nuclear disarmament.

63. Other delegations, including three nuclear-weapon States, reaffirmed that their military doctrines were solely defensive and based on a commitment never to use force -- whatever the weapons -- other than in legitimate self-defence in accordance with the Charter of the United Nations. They reiterated, in this regard, their well-known interpretation of Article 51 of the Charter, and pointed out their belief that the elements of deterrence and defence together with arms control and disarmament were integral to the maintenance of peace and security. They considered that the single most significant way of lessening insecurity and instability in international relations would be for all nations to live up to their obligations under the Charter. The Group of 21 reiterated that military doctrines based on the possession of nuclear weapons, and thus explicitly or implicitly admitting the possibility of the use of nuclear weapons, were indefensible, for it was unacceptable that the prospect of the annihilation of human civilization be used by some States to promote their security. The future of mankind could not be made hostage to the perceived security requirements of a few

nuclear-weapon States and most notably of the two major nuclear-weapon States. The Group also rejected the interpretation of some delegations, including three nuclear-weapon States, of Article 51 of the United Nations Charter and they reiterated their position that Article 51 could not be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of conventional armed attack. Delegations of socialist countries, including one nuclear-weapon State, maintained that the United Nations Charter could not be invoked to justify the first-use of nuclear weapons. Those same delegations expressed their regret that despite the repeated declarations of one group of States about its peaceful intentions it had failed to respond adequately to the proposal for concluding a treaty on the mutual non-use of military force and the maintenance of relations of peace between the Warsaw Treaty Member-States and the Member-States of the North Atlantic Alliance, a treaty which would be open to all other States as well.

64. As a first step, the Group of 21 considered it necessary to halt all testing, production and deployment of nuclear weapons and their delivery systems to be immediately followed by substantial reductions in nuclear forces. In this regard the Group of 21 welcomed the Joint Declaration issued on 22 May 1984 by the Heads of State or Government of Argentina, Greece, India, Mexico, Sweden and Tanzania in document CD/502. It reaffirmed the view that, while nuclear disarmament is primarily the responsibility of the nuclear-weapon States, the problem was too important to be left to those States alone. The Group of 21 reiterated its firm belief that the Conference on Disarmament as the sole multilateral negotiating body in the field of disarmament should play its role in regard to the urgent question of nuclear disarmament. In its opinion the immediate objective of the Conference should be the establishment of an ad hoc committee to elaborate the stages and measures in paragraph 50 of the Final Document and identify substantive issues for multilateral negotiations, as suggested in documents CD/116 and CD/180. Accordingly, the Group proposed the establishment of an ad hoc committee with a mandate to submit recommendations to the Conference as to how best to initiate multilateral negotiations of agreements, with adequate measures of verification, in appropriate stages, for the cessation of the qualitative improvement and development of nuclear weapons systems; cessation of the production of all types of nuclear weapons and their means of delivery and the production of fissionable material for weapons purposes; and substantial reduction in the existing nuclear weapons with a view to their ultimate elimination.

65. Many delegations of the Group of 21 pointed out that the setting up of an ad hoc committee would also make it possible to put into practice the suggestion made last year and endorsed by the General Assembly in resolution 38/183N, to the effect that the negotiations on nuclear arms should be combined into a single forum so as to embrace strategic arms as well as intermediate range and tactical nuclear weapons. Those delegations further pointed out that through the application of Rule 23 of the Rules of Procedure, such negotiations could be conducted whenever deemed desirable in a subsidiary body, whose membership could be limited to the five nuclear-weapon States or even to the two major nuclear-weapon States.

66. The group of socialist States reiterated that they attached primary importance to the cessation of the nuclear arms race and nuclear disarmament and advocated measures for the freezing, reduction and eventual complete prohibition and elimination of nuclear weapons. Therefore, they proposed to establish an ad hoc committee for negotiations to begin the elaboration of practical measures for the cessation of the nuclear arms race and nuclear disarmament in accordance with paragraph 50 of the Final Document of the first special session of the General Assembly devoted to disarmament, including a nuclear disarmament programme. In their view, such a programme, on a step-by-step basis and in accordance with the principle of equality and equal security, should envisage the reduction of nuclear weapons until they had been completely eliminated in all their forms. They reiterated their conviction that a quantitative and qualitative freeze of nuclear arms would be one of the most effective and relatively easily applicable measures in the field of nuclear disarmament. It would provide a starting point, in their view, for the reduction of these weapons until they had been completely eliminated. This group of States reiterated their proposal to undertake negotiations on the prohibition of the nuclear neutron weapon.

67. The nuclear-weapon State belonging to this group noted that the ideas contained in the Joint Declaration which the Heads of State or Government of Argentina, Greece, India, Mexico, Tanzania and Sweden had addressed to all nuclear-weapon States were identical to its own proposals and circulated its Government's statement to that effect (CD/504). Other socialist countries also welcomed the Joint Declaration. The nuclear-weapon State belonging to this group further stated that it had submitted far-reaching specific proposals for a radical lessening of nuclear confrontation — both on a global scale and in Europe — in strict accordance with the principle of equality and equal security. It underlined also that it had participated in bilateral negotiations with a view to limiting and reducing nuclear weapons, in order to begin the process of nuclear disarmament leading to the complete elimination of nuclear weapons.

68. A number of delegations, including those of three other nuclear-weapon States, stressed the importance they attached to nuclear arms reductions involving deep cuts in the forces of the United States of America and the Union of Soviet Socialist Republics and resulting in agreements that provided for a stable and verifiable balance at substantially lower levels of forces on both sides. In their view, negotiations between the United States of America and the Union of Soviet Socialist Republics offered the best framework for achieving concrete and substantial reductions. These delegations regretted the unilateral suspension of the bilateral negotiations on intermediate range nuclear forces and strategic arms reductions and called for their urgent resumption without preconditions. They further held that nuclear disarmament should not be considered independently from conventional arms control and disarmament measures and should be pursued in such a way that international stability and security be enhanced. With regard to the proposal for a nuclear-weapons freeze, these delegations supported the view that such a freeze would reduce the incentive to undertake negotiations on reductions.

69. A nuclear weapon State belonging to the same group of delegations pointed out that, in present circumstances, negotiations on the limitation or reduction of nuclear weapons were the responsibility of the two main nuclear weapon powers. It therefore hoped that the bilateral negotiations, interrupted the previous year, could be resumed as soon as possible. It recalled the reasons given time and time again underlying its approach to nuclear disarmament. It could join in with the efforts to limit and reduce nuclear arsenals once those of the two most powerfully armed States had been brought down to a level at which the disproportion between their nuclear means and those of the other nuclear-weapon States had changed in kind and when factors of insecurity -- the imbalance of conventional forces in Europe, the chemical threat and the destabilizing effects of anti-ballistic and anti-satellites weapons -- were eliminated or substantially reduced.

70. With regard to the bilateral negotiations referred to above, the group of socialist countries, including one party to those negotiations, pointed out that the other party went beyond the point of raising preconditions and by the deployment of the new medium range nuclear weapons in Western Europe created a fait accompli which made further negotiations impossible. Therefore the full responsibility for the breakdown of the talks rested, in their view, with the other side. The basis for the resumption of the talks would be created only if

the deployment of medium-range nuclear missiles was stopped and measures leading to their withdrawal taken. The Group also rejected the assertion that there was an alleged imbalance of conventional forces in Europe.

71. Many delegations, not belonging to any military alliances, rejected the assertion that bilateral negotiations offered the best framework for achieving concrete results. In their view, the aim of those negotiations had been to manage, rather than to halt the nuclear arms race and begin the process of nuclear disarmament. These delegations also pointed out that during the years when bilateral negotiations were under way, the size and destructive power of nuclear arsenals continued to grow relentlessly. They therefore stated that a nuclear-weapons freeze, while not being an end in itself, would constitute an effective means of creating a favourable environment for the conduct of negotiations on further reduction of nuclear arsenals. These delegations also held that nuclear weapons, because of their unique destructive power as weapons of mass destruction, should not be used as substitutes for conventional weapons. They firmly stated, therefore, that the adoption of measures for the cessation of the nuclear arms race and nuclear disarmament should not be dependent on progress in the field of conventional disarmament. They did not accept the view which considered multilateral and bilateral approaches to nuclear disarmament as mutually exclusive.

72. These delegations appealed to the two military alliances to refrain from mutual accusations, the only purpose of which was to justify the stepping-up of the nuclear arms race, including a kind of horizontal proliferation of nuclear weapons in ever-wider areas of the world, land and sea. They underlined the fact that for decades the destructive capacity of nuclear stockpiles of the two major nuclear-weapon States had been more than sufficient to destroy all life on earth, not once, but several times over.

73. In connection with the summary characterization of the positions of "the two military alliances" or "the two major nuclear-weapon States" as mentioned in paragraph 72 and some other paragraphs of this Report, the group of socialist States recalled their countries' policy concerning the cessation

of the nuclear arms race and nuclear disarmament, and drew attention to the numerous concrete proposals submitted by them as referred to in paragraph 66. They pointed to the fact that, in their opinion, the majority of their views was either identical with or greatly similar to those contained in various official documents of the non-aligned countries, referred to, inter alia, in paragraph 64 of this Report.

74. A nuclear-weapon State not belonging to any group reaffirmed its position in favour of the complete prohibition and total destruction of nuclear weapons. It reiterated its proposal that the Union of Soviet Socialist Republics and the United States of America should take the lead in adopting concrete measures to halt the testing, improvement and production of nuclear weapons and reach agreement on a 50 per cent reduction of their nuclear weapons and means of delivery of all types. Thereafter, a widely representative international conference should be convened with the participation of all nuclear-weapon States to negotiate the general reduction of nuclear weapons by all nuclear-weapon States. It held that the Conference on Disarmament should also play its role in promoting the process of nuclear disarmament, and therefore it supported the establishment of an ad hoc committee on this subject.

75. Many delegations held that the effective cessation of the nuclear arms race required the participation of all nuclear-weapon States in multilateral negotiations. In their view the disparity that may exist between the nuclear arsenal of the two major nuclear weapon States, on the one hand, and the nuclear arsenals of other nuclear-weapon States on the other hand, was a matter that should be dealt with in the process of multilateral negotiations but could not constitute an obstacle to prevent the initiation of a process for the elimination of the fundamental disparity that existed between nuclear-weapon States and non-nuclear-weapon States.

C. Prevention of nuclear war, including all related matters

76. The item on the agenda entitled "Prevention of nuclear war, including all related matters" was considered by the Conference, in accordance with its programme of work, during the periods 5-9 March and 2-6 July 1984.

77. The following documents were submitted to the Conference in connection with the item during the 1984 session:

(a) Document CD, 484, dated 4 April 1984, submitted by a group of socialist States, entitled "Working Paper: prevention of nuclear war".

(b) Document CD/515, dated 11 July 1984, submitted by the Group of 21, entitled "Draft Mandate for an Ad Hoc Committee on item 3 of the agenda of the Conference on Disarmament".

78. In connection with agenda item 3, a contact group was established to consider the question of establishing a subsidiary body. The Group of 21 during the spring session submitted a proposal to set up an ad hoc committee to deal with the question of prevention of nuclear war, on the basis of resolution 38/183 G adopted by the thirty-eighth United Nations General Assembly without any opposition. The Group of 21 also indicated during the consultations within the Contact Group that it was willing to accept a non-negotiating mandate permitting an open and full discussion of all proposals relevant to item 3, without assigning any priority among them. A group of socialist States too, had submitted its proposal contained in document CD, 434 for establishment of an ad hoc committee but it had also agreed to support the efforts made by the Group of 21 in the search for a consensus. Although the meetings of the Contact Group had made encouraging progress towards attaining a consensus on the establishment of an Ad Hoc Committee, it was felt at the end of the spring session that some more time was necessary for the formation of requisite consensus on the proposal and the matter was deferred until the summer session. Towards the end of the summer session, the Group of 21 made a formal proposal contained in document CD/515, which was meant to represent the lowest common denominator of the positions held by various delegations in the Conference on item 3. This proposal for the establishment of an Ad Hoc Committee was placed before the Conference for decision at the 275th plenary meeting on 24 July 1984. It was supported by the group of socialist countries, although they regarded it as a minimum mandate for an ad hoc committee which would deal with this most urgent and important problem. A nuclear-weapon State not belonging to any group also supported this proposal according to which the Conference on Disarmament was to take a decision to establish an ad hoc committee on item 3, which would consider all proposals relevant to the agenda item including appropriate and practical measures for prevention of nuclear war. Certain delegations however could not support such a proposal nor did they find it possible to present any amendment to CD/515, which would make it acceptable to

them. As a result, there was then no consensus possible on the adoption of the draft mandate contained in document CD/515. The Group of 21 expressed its deep regret that in spite of the maximum flexibility displayed by it, the Conference was prevented from fulfilling its mandate as the sole multilateral disarmament negotiating body on by far the most important item on its agenda, due to the inability of a few delegations to support CD/515. The Group re-emphasized the utmost importance and urgency of the issue of prevention of nuclear war and expressed its conviction that the creation of an ad hoc committee with a suitable mandate was the best means of enabling the Conference to undertake negotiations on appropriate and concrete measures to dispel the danger of nuclear war. This view was supported by the group of socialist countries.

79. Many delegations addressed the issues relating to the prevention of nuclear war, including all related matters, at plenary meetings of the Conference.

80. The Group of 21 deplored that, although the survival of mankind would be at stake in a nuclear war, it was not possible to establish an ad hoc committee for the initiation of multilateral negotiations in the Conference on Disarmament because of the persistent obstruction of certain nuclear weapon States belonging to one military alliance. In their view, since nuclear war would have catastrophic consequences for the whole of mankind, all nations had a vital interest in urgent negotiation of appropriate and practical measures for the prevention of nuclear war.

81. The Group of 21 believed that international peace must be based on a clear commitment by all States to joint survival rather than a threat of mutual annihilation. The Group could not accept that the security of their countries and regions be in continual and increasing jeopardy as a result of the action of a handful of nuclear-weapon States and their allies. The Group of 21 reiterated its conviction that all nations have both the right as well as the obligation to work collectively to dispel the danger of a nuclear holocaust.

82. The Group of 21 reiterated its conviction that the greatest peril facing the world today was the threat to the survival of mankind from nuclear war. The Group reiterated the message issued by the Seventh Conference of Heads of State or Government of Non-Aligned Countries held in New Delhi in March 1983, which inter alia stated:

"... the renewed escalation in the nuclear arms race, both in its quantitative and qualitative dimensions, as well as reliance on doctrines of nuclear deterrence, has heightened the risk of the outbreak of nuclear war and led to greater insecurity and instability in international relations. Nuclear weapons are more than weapons of war. They are instruments of mass annihilation. The Heads of State or Government therefore find it unacceptable that the security of all States and the very survival of mankind should be

held hostage to the security interests of a handful of nuclear weapon States. Measures for the prevention of nuclear war and of nuclear disarmament must take into account the security interests of nuclear and non-nuclear weapon States alike and ensure that the survival of mankind is not endangered. They rejected all theories and concepts pertaining to the possession of nuclear weapons and their use under any circumstances."

The Group of 21 also reiterated the demand made by the Heads of State or Governments of Non-aligned Countries for an immediate prohibition of the use of threat of use of nuclear weapons by all nuclear weapon States pending the achievement of nuclear disarmament.

83. Members of the Group of 21 recalled that by operative paragraph 1 of resolution 38/183 G, which had been adopted by an overwhelming majority, the General Assembly had requested the Conference to undertake negotiations, as a matter of the highest priority, with a view to achieving agreement on appropriate and practical measures for the prevention of nuclear war. They expressed the view that these appropriate and practical measures should be commensurate with the gravity and imminence of the dangers to be averted. In their opinion, a subsidiary body could devote itself to seeking agreement on a small number of short-term measures such as the following: an immediate freeze of the nuclear weapons of the Soviet Union and the United States of America, to be followed within five years at most by a freeze of the nuclear arms of the other three nuclear weapon States. Other appropriate and practical measures would be the undertaking by the nuclear weapon States not to be the first to use their nuclear instruments of mass destruction, and the merging into a single forum the two series of negotiations which the Union of Soviet Socialist Republics and the United States of America had been conducting and broadening their scope so as to embrace also tactical or battlefield nuclear weapons. Members of the Group of 21 also considered that the Conference on Disarmament was an ideal forum for the two major nuclear-weapon States to establish the political bases for such negotiations, negotiations that today were, more than necessary, vital. They recalled, in this connection, the appeal made by Heads of States or Governments of Argentina, Greece, India, Mexico, Sweden and Tanzania, contained in document CD/502, that "The people we represent are no less threatened by nuclear war than the citizens of the nuclear-weapon States. It is primarily the responsibility of the nuclear-weapon States to prevent a nuclear catastrophe, but this problem is too important to be left to those States alone."

84. A group of socialist countries reiterated its conviction, which they believed was shared by the overwhelming majority of States, that the prevention of nuclear war was the number one global problem and that it should now take a central place in the work of the Conference. These countries fully supported the relevant resolutions of the thirty-eighth session of the General Assembly, in particular the request in operative paragraph 1 of resolution 38/183 G, addressed to the Conference, and were in favour of its earliest implementation. In their view it was of special significance for solving the problem of the prevention of nuclear war that relations between States possessing nuclear weapons be regulated by certain norms of a mandatory character. In that context attention was drawn to a number of specific proposals contained in document CD/444. The group of socialist countries emphasized the urgency for all nuclear weapon States to renounce the first use of nuclear weapons, thus reducing the nuclear threat and strengthening confidence in general. It was recalled that the nuclear-weapon State belonging to that group had taken a unilateral obligation not to be the first to use nuclear weapons and had appealed to those nuclear weapon States who had not yet done so to follow its example. They pointed out that such undertakings could be incorporated in a unified instrument of international law, which, in practice, would be equivalent to the complete legal prohibition of the use of nuclear weapons. At the same time, they reiterated their support for the conclusion of a convention on such a prohibition with the participation of all nuclear-weapon States. The group of socialist countries again urged for a general exclusion of the use of force from international relations, and recalled their previous proposals to that effect. The prevention of nuclear war, in their opinion, would be promoted if all nuclear-weapon States undertook not to use nuclear weapons under any circumstances against non-nuclear States in whose territory there were no such weapons, if the status of the nuclear-weapon-free zone already created were respected and the creation of further such zones in various parts of the world were encouraged. A group of socialist countries reaffirmed their readiness to consider also other appropriate measures, such as the prevention of accidental or unauthorized use of nuclear weapons, the avoidance of the possibility of surprise attacks, as proposed, inter alia, in document CD/406. Also important in their view would be the adoption of such measures as the freezing, under appropriate verification, of nuclear weapons in both quantitative and qualitative terms; the earliest conclusion of a treaty on the complete and general prohibition of nuclear-weapon tests and, pending the conclusion of such a treaty, a moratorium by all nuclear-weapon States on all nuclear explosions; the prevention

of the spread of the nuclear arms race to other spheres, in particular outer space; the prevention of the proliferation of nuclear weapons in any form and in this connection they called on States that had not yet done so to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons so that it might have universal application. A group of socialist countries also urged the creation of a moral and political atmosphere in which any attempt to unleash nuclear war would be doomed to failure, and to that end suggested a variety of measures contained in document CD/484. The group of socialist countries emphasized its conviction that the present military-strategic parity is a reliable guarantee of peace and that this parity should be preserved at ever-decreasing levels of armaments reached through appropriate and far-reaching disarmament measures based on the principle of equality and equal security. In their view, it was not parity that fuelled the arms race, but the quest for superiority.

85. Some delegations considered that the concept of nuclear-weapon free zones could not be confined to one, or a few regions of the world, while in others nuclear-weapon States freely multiplied their nuclear weapons. Nor could this concept be dissociated from an effective system of verification, especially with regard to compliance by nuclear Powers with their obligations toward the zone. In the point of view of those delegations the stated policy of nuclear-weapon States of not disclosing the whereabouts of the nuclear weapons they disseminate at will on land, sea and air, was a major impediment to the effectiveness of nuclear-weapon free zones.

86. A group of western delegations, including three nuclear-weapon States, all of which represented States whose United Nations delegations abstained on resolution 38/183G mentioned in paragraphs 78 and 83 above, while also attaching the utmost importance to item 3, underscored that the terms in which the agenda item had been formulated clearly meant that the prevention of nuclear war could not be dealt with separately from the prevention of war itself including conventional war. What was at issue in their view, was the problem of how to maintain peace and international security in the nuclear age. The view was expressed that it was therefore particularly necessary to reflect upon concepts of security and to develop the concept of co-operative security as an essential objective of our time. It was recalled that elements of a comprehensive strategy for the prevention of war and thereby nuclear war had been laid out in document CD/357, a document which unfortunately had not been fully discussed by the Conference. For these delegations, the maintenance of peace and security in the nuclear age required strict compliance by all States with their obligations under the United Nations Charter, in particular the

obligation to refrain from the threat or use of force, to respect the political independence and territorial integrity of States and to settle all political disputes by peaceful means. These delegations further noted that in the present circumstances the nuclear factor continued to be a basic element in the balance needed for maintaining peace and security. The same delegations recalled their view that a declaration on the prohibition of use or first use limited to nuclear weapons would be unverifiable by its very nature and would fail to prevent armed conflict. At the same time they reaffirmed the position of their States that none of their weapons, nuclear or conventional, would ever be used except in response to armed attack. These delegations stressed that their nuclear arsenals had a single function, the prevention of war and the preservation of peace and security through the strategy of deterrence. The elements of deterrence and defence together with arms control and disarmament were integral to the maintenance of peace and security. They pointed out that a balanced reduction of conventional forces in Europe to levels of parity would reduce the need to rely on nuclear deterrence to maintain peace and stability there. Deep reductions in the nuclear arsenals of the United States of America and the Union of Soviet Socialist Republics would also make a major contribution to decreasing the likelihood of nuclear war. With regard to the proposal for a nuclear weapons freeze these delegations supported the view that a nuclear freeze would consolidate the present nuclear imbalance in Europe, such a freeze would perpetuate asymmetries in the strategic balance and would reduce the incentive to undertake negotiations on balanced and verifiable reductions. Since nuclear disarmament and the attainment of substantial reductions of nuclear forces in order to reach a stable equilibrium at the lowest possible level were an essential element of any strategy for the prevention of nuclear war, these delegations voiced regret that one party had unilaterally broken off the on-going bilateral negotiations on intermediate range and strategic nuclear weapons. They appealed to that party to return to the negotiating table without preconditions. The same delegations affirmed that they fully shared the view that it was impossible to plan a limited nuclear war, and that a nuclear war was not winnable. Therefore, they categorically rejected the assertion that members of the North Atlantic Alliance, or any State of the group were planning to initiate war, or developing scenarios of a so-called first nuclear strike, or of limited nuclear war. These delegations stressed that the work of the Conference should focus on a sober analysis of possible threats and measures adapted to realistic scenarios of conflict. Therefore, they could not accept the documents and statements of a group of socialist countries

dealing with agenda item 3 which described western strategies as based on a nuclear first strike scenario or on a quest for superiority. Some of these delegations emphasized that an effective policy to prevent the horizontal proliferation of nuclear weapons had a key role to play in the prevention of nuclear war and, in that connection, called on States that had not yet done so to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons so it might have universal application. Some of them also stressed the value of confidence-building measures to improve the international political climate and thereby diminish the danger of war, including nuclear war, and in that connection reference was made to documents CD/357, CD/380 and CD/411. These same delegations, including three nuclear weapon States, rejected the accusation that they had obstructed the proceedings on item 3 in the Conference on Disarmament. They recalled that they had, on various occasions, stressed the fundamental importance of an in-depth consideration of agenda item 3, and that they had submitted proposals for structuring the consideration of the item, among others in document CD/411. The same delegations regretted that it had not been possible to create an appropriate work format for agenda item 3, despite constructive efforts from many sides, and affirmed their readiness to continue consultations. One delegation listed ten principles that, in its view, represent areas of common interest and agreement between East and West in the prevention of nuclear war.

87. Many delegations rejected the view that the question at issue was how to preserve and strengthen international security in the nuclear age. In their opinion, this was an attempt to force the consideration of the agenda item in terms of strategic doctrines, such as nuclear deterrence, which are designed to justify not only the possession of nuclear weapons but also their use. In their view theories of nuclear deterrence perpetuated the existing antagonism between military alliances and thereby led to a state of permanent hostility among nations of the world. Those delegations further held that conventional wars could not, under any circumstances, be equated with nuclear war since nuclear weapons were instruments of mass destruction that would threaten the survival of belligerents and non-belligerents alike. They reiterated their position that in view of the unique destructive power of nuclear weapons, Article 51 of the Charter of the United Nations could not, under any conditions, be invoked to justify the use of nuclear weapons in the exercise of the right of self-defence against conventional armed attack.

88. A number of delegations held that to associate the prevention of horizontal proliferation of nuclear weapons with the prevention of nuclear war, was an attempt made by the two major nuclear-weapon States and their allies, which relied on the

possession of nuclear weapons as a pillar of their security, to divert attention from the actual threat of annihilation posed by existing nuclear weapons. Those delegations could not reconcile the concern expressed about horizontal proliferation with the fact that the two major nuclear-weapon States had not fulfilled the commitment they assumed under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and, in addition, had contributed to horizontal proliferation through the dissemination of nuclear weapons in different areas of the world. It was noted that since the entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons in 1970 nuclear weapons had multiplied several times over, whereas there had not been any increase in the number of nuclear-weapon States.

89. With regard to the bilateral negotiations referred to in paragraph 86 above, the group of socialist countries, including one party to those negotiations, pointed out that the other party went beyond the point of raising preconditions and by the deployment of the new medium-range nuclear weapons in Western Europe had created a fait accompli which made further negotiations impossible. Therefore the full responsibility for the breakdown of the talks rested, in their view, with the other side. The basis for the resumption of the talks would be created only if the deployment of medium-range nuclear missiles was stopped and measures leading to their withdrawal taken. The group also rejected the assertion that there was a nuclear imbalance in Europe and on a global scale. The socialist countries could not accept the documents and statements of the western States dealing with item 3 which blurred the distinction between nuclear and conventional conflicts. In connection with paragraph 88 the group of socialist countries reiterated its numerous proposals for practical measures in implementation of Article VI of the Treaty on the Non-proliferation of Nuclear Weapons.

90. Western delegations, parties to the Treaty on the Non-Proliferation of Nuclear Weapons, confirmed their belief that they had lived up to their obligations under article VI of this Treaty.

91. One nuclear-weapon State not belonging to any group was of the view that the fundamental way to prevent nuclear war lay in the complete prohibition and total destruction of nuclear weapons. It had always stressed that, pending the realization of that goal, the non-use of nuclear weapons would be a measure conducive to reducing the danger of nuclear war. It recalled that as far back as the early 1960s it had unilaterally declared that in no circumstances would it be the first to use nuclear weapons and undertook not to use such weapons against non-nuclear-weapon States and nuclear-weapon-free zones. It also emphasized the relevance to

prevention of nuclear war of the principles and purposes of the United Nations Charter and singled out the following as having special importance: (a) refraining from the threat or use of force against the territorial integrity or political independence of any State; (b) non-intervention and non-interference in the internal affairs of other States; (c) peaceful settlement of international disputes; (d) sovereign equality of States and self-determination for peoples; and (e) co-operation among States for the achievement of the purposes set forth in Article 55 of the Charter. It further stressed that in considering how effectively to prevent nuclear war it was necessary not to lose sight of the importance of conventional disarmament.

92. Neutral and non-aligned delegations believed that the divergent positions of the two military alliances as reflected in the above paragraphs underscored the extreme urgency of the question of averting a nuclear war. They noted that for decades on the basis of various concepts like "parity", "balance", "equality and equal security", the two major nuclear-weapon States had continued the competitive accumulation of nuclear weapons and had disseminated them throughout the world, thus increasing the danger of nuclear war. In their opinion, international peace and security could not be allowed to depend on such concepts for they lay at the heart of the action/reaction process that perpetuated the nuclear arms race and with it the danger of the annihilation of mankind.

93. In connection with the summary characterization of the positions of "the two military alliances" or "the two major nuclear-weapon States" as mentioned in paragraph 92 and some other paragraphs of this Report, the group of socialist States recalled their countries' policy concerning the prevention of nuclear war and other related matters, and drew attention to the numerous concrete proposals submitted by them as contained in paragraph 84. They pointed to the fact that, in their opinion, the majority of their views was either identical with or greatly similar to those contained in various official documents of the non-aligned countries, referred to, inter alia, in paragraph 64 of this Report.

94. Western delegations could not accept all of the arguments in paragraph 92 above and referred to their views as outlined in paragraph 86.

95. The Group of 21 noted that despite the fact that the Conference on Disarmament had discussed this question for two years, it had been unable even to establish a subsidiary body to consider appropriate and practical measures for prevention of nuclear war. They were convinced that the General Assembly should take note of this deplorable failure of the Conference and, having regard to the urgency of this matter and the inadequacy of existing measures, devise other suitable steps to expedite effective action to remove the danger of nuclear war.

D. Chemical Weapons

96. The item on the agenda entitled "Chemical Weapons" was considered by the Conference in accordance with its programme of work, during the periods 12-16 March and 9-13 July 1984.

97. The list of new documents presented to the Conference during its 1984 session under the agenda item is contained in the Report submitted by the Ad Hoc Committee referred to in the following paragraph.

98. At its 286th plenary meeting on 30 August 1984, the Conference adopted the Report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 245th plenary meeting (see paragraphs 10 and 11 above). That Report (CD/539) is an integral part of this Report and reads as follows:

"I. INTRODUCTION

"1. At its 245th plenary meeting on 28 February 1984, the Conference on Disarmament adopted the following decision on the re-establishment of an ad hoc subsidiary body on chemical weapons (CD/440):

'The Conference on Disarmament, keeping in mind that the negotiation of a Convention should proceed with a view to its final elaboration at the earliest possible date, in accordance with United Nations General Assembly resolution 38/187/B; and in discharging its responsibility to conduct as a priority task the negotiations on a multilateral convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction, and to ensure the preparation of the convention, decides to re-establish, in accordance with its rules of procedure, for the duration of its 1984 session, an ad hoc subsidiary body to start the full and complete process of negotiations, developing and working out the convention, except for its final drafting, taking into account all existing proposals and drafts as well as future initiatives with a view to giving the Conference a possibility to achieve an agreement as soon as possible. This agreement, if possible, or a Report on the progress of the negotiations, should be recorded in the report which this ad hoc subsidiary body will submit to the Conference at the end of the second part of its 1984 session.'

"2. The term 'ad hoc subsidiary body' was used in this connection pending a decision by the Conference on its designation. Subsequently, at its 248th plenary meeting on 8 March 1984, the Conference on Disarmament decided to designate as 'Ad Hoc Committee on Chemical Weapons' the subsidiary body.

"II. ORGANIZATION OF WORK AND DOCUMENTATION

"3. In accordance with the decision mentioned above (CD/440), Ambassador Rolf Ekéus of Sweden was appointed Chairman of the Ad Hoc Committee. Mr. Abdelkader Bensmail, Senior Political Affairs Officer, Department for Disarmament Affairs, continued to serve as Secretary of the Committee.

"4. The Ad Hoc Committee held 22 meetings from 29 February to 28 August 1984. The Ad Hoc Committee benefited from the inclusion in delegations of national experts. In addition, the Chairman held a number of informal consultations with delegations.

- "5. At the 250th plenary meeting on 15 March 1984 of the Conference on Disarmament, the Chairman of the Ad Hoc Committee reported on the progress of its work.
- "6. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the work of the Ad Hoc Committee: Austria, Colombia, Democratic Yemen, Denmark, Ecuador, Finland, Greece, Ireland, New Zealand, Norway, Portugal, Senegal, Spain, Switzerland, Turkey and United Republic of Cameroon.
- "7. During the 1984 session, the following official documents dealing with chemical weapons were presented to the Conference on Disarmament:
- CD/429, dated 7 February 1984, entitled 'Report of the Ad Hoc Working Group on Chemical Weapons on its work during the period 16 January-6 February 1984'
 - CD/431, dated 10 February 1984, submitted by the United Kingdom entitled 'Chemical Weapons Convention: Verification and Compliance - The Challenge Element'
 - CD/432, dated 13 February 1984, submitted by the Islamic Republic of Iran, entitled 'Letter dated 30 January 1984 from the Permanent Representative of the Islamic Republic of Iran addressed to the President of the Conference on Disarmament transmitting a report containing a description of an attack with chemical weapons in Piranshahr, Iran'
 - CD/435, dated 20 February 1984, submitted by a group of socialist countries, entitled 'Improved effectiveness of the work of the Conference on Disarmament in the field of the prohibition of chemical weapons'
 - CD/437, dated 23 February 1984, submitted by Czechoslovakia, entitled 'Letter dated 23 February 1984 addressed to the President of the Conference on Disarmament from the Permanent Representative of Czechoslovakia transmitting a proposal of Warsaw Member States to the Member States of NATO on the question of freeing Europe from chemical weapons, presented at the USSR Ministry of Foreign Affairs on 10 January 1984'
 - CD/439, dated 24 February 1984, submitted by the Federal Republic of Germany, entitled 'Proposals on "Prohibition of Transfer" and "Permitted Transfers" in a future CW agreement'
 - CD/440, dated 28 February 1984, entitled 'Decision on the re-establishment of an ad hoc subsidiary body on chemical weapons'
 - CD/443, dated 5 March 1984, submitted by China, entitled 'Proposals on Major Elements of a future Convention on the Complete Prohibition and Total Destruction of Chemical Weapons' (also issued as CD/CW/WP.68)
 - CD/444, dated 19 March 1984, submitted by the USSR, entitled 'Letter dated 6 March 1984 from the Representative of the Union of Soviet Socialist Republics to the Conference on Disarmament, transmitting excerpts from the speech of the General Secretary of the Central Committee of the Communist Party of the Soviet Union, Mr. K.U. Chernenko, delivered on 2 March 1984 to voters of Moscow's Kuibyshev district'

- CD/445, dated 7 March 1984, submitted by the Netherlands, entitled 'Size and Structure of a Chemical Disarmament Inspectorate'
- CD/446, dated 8 March 1984, entitled 'Decision on the designation of ad hoc subsidiary bodies of the Conference on Disarmament'
- CD/447, dated 9 March 1984, submitted by the Islamic Republic of Iran, entitled 'Letter dated 2 March 1984 from the Permanent Representative of the Islamic Republic of Iran addressed to the President of the Conference on Disarmament containing information on missile attacks and bombardments in both military and civilian areas of the Islamic Republic of Iran'
- CD/482, dated 26 March 1984, submitted by Yugoslavia, entitled 'Working Paper - National verification measures' (also issued as CD/CW/WP.73)
- CD/483, dated 27 March 1984, submitted by the Islamic Republic of Iran, entitled 'Letter dated 20 March 1984 from the Permanent Representative of the Islamic Republic of Iran addressed to the President of the Conference on Disarmament containing proposals on some elements of a future convention on the complete prohibition and total destruction of chemical weapons' (also issued as CD/CW/WP.74)
- CD/494, dated 3 April 1984, submitted by France, entitled 'Elimination of stocks and of production facilities' (also issued as CD/CW/WP.79)
- CD/496, dated 4 April 1984, submitted by the Federal Republic of Germany, entitled 'Considerations on including a ban on the use of chemical weapons and the right of withdrawal in a future chemical weapons convention'
- CD/497, dated 11 April 1984, submitted by the USSR, entitled 'Letter dated 11 April 1984 from the Representative of the Union of Soviet Socialist Republics addressed to the President of the Conference on Disarmament transmitting the answers of the General Secretary of the CPSU Central Committee, K.U. Chernenko, to questions of the newspaper "Pravda" '
- CD/500, dated 18 April 1984, submitted by the United States, entitled 'Draft convention on the prohibition of chemical weapons'
- CD/501, dated 26 April 1984, submitted by Hungary, entitled 'Letter dated 25 April 1984 from the Head of the Hungarian delegation to the Conference on Disarmament transmitting the text of the communiqué of the meeting of the Committee of Foreign Ministers of the States Parties to the Warsaw Treaty, held in Budapest on 19 and 20 April 1984'
- CD/505, dated 13 June 1984, submitted by Finland, entitled 'Letter dated 12 June 1984 addressed to the President of the Conference on Disarmament from the Permanent Representative of Finland, transmitting a document entitled "Technical Evaluation of Selected Methods for the Verification of Chemical Disarmament" '
- CD/508, dated 15 June 1984, submitted by Norway, entitled 'Verification of a Chemical Weapons Convention. Sampling and Analysis of Chemical Warfare Agents under Winter Conditions'

- CD/509, dated 15 June 1984, submitted by Norway, entitled 'Letter dated 13 June 1984 addressed to the President of the Conference on Disarmament from the Permanent Representative of Norway transmitting a research report entitled "Verification of a Chemical Weapons Convention. Sampling and Analysis of Chemical Warfare Agents under Winter Conditions"'
- CD/514, dated 9 July 1984, submitted by the United Kingdom, entitled 'Verification of non-production of chemical weapons'
- CD/516, dated 12 July 1984, submitted by the United States, entitled 'The declaration and interim monitoring of chemical weapons stockpiles'
- CD/518, dated 17 July 1984, submitted by the Federal Republic of Germany, entitled 'Verification of the Destruction of Chemical Weapons'
- CD/519, dated 18 July 1984, submitted by the Islamic Republic of Iran, entitled 'Letter dated 16 July 1984 from the Permanent Representative of the Islamic Republic of Iran addressed to the President of the Conference on Disarmament transmitting the text of the response of His Excellency Seyyed Ali Khamenei, President of the Islamic Republic of Iran, to a message of the Secretary-General of the United Nations'
- CD/532, dated 8 August 1984, submitted by a group of socialist States, entitled 'The Organization and Functioning of the Consultative Committee' (also issued as CD/CW/WP.84)
- CD/537, dated 15 August 1984, submitted by Denmark, entitled 'Letter dated 14 August 1984 from the Chargé d'affaires a.i. of the Permanent Mission of Denmark, transmitting a working paper on the verification of non-production of chemical weapons'

"8. In addition, the following Working Papers were circulated to the Ad Hoc Committee:

- CD/CW/WP.67, dated 28 February 1984, entitled 'Chairman's suggestion for a Working Structure for the negotiations on a Chemical Weapons Convention'
- CD/CW/WP.68, dated 5 March 1984, submitted by China, entitled 'Proposals on Major Elements of a Future Convention on the Complete Prohibition and Total Destruction of Chemical Weapons' (also issued as CD/443)
- CD/CW/WP.69, dated 14 March 1984, entitled 'Programme of work of the Ad Hoc Committee on Chemical Weapons for the first part of the 1984 session'
- CD/CW/WP.70, dated 9 March 1984, entitled 'Outline for the organization of work'
- CD/CW/WP.71, dated 22 March 1984, submitted by Yugoslavia, entitled 'Suggested alternative definitions'
- CD/CW/WP.72, dated 23 March 1984, submitted by the Union of Soviet Socialist Republics, entitled 'Proposal concerning the content of the provision of the future convention on the prohibition of chemical weapons relating to the procedure to be followed in considering a request for an on-site inspection by the State which receives it (amendment to para. 4.3 of the Report of the Co-ordinator of Contact Group B (document CD/416, annex II, p.14))'

- CD/CW/WP.73, dated 26 March 1984, submitted by Yugoslavia, entitled 'Working Paper - National verification measures' (also issued as CD/482)
- CD/CW/WP.74, dated 27 March 1984, submitted by the Islamic Republic of Iran, entitled 'Letter dated 20 March 1984 from the Permanent Representative of the Islamic Republic of Iran addressed to the President of the Conference on Disarmament containing proposals on some elements of a future convention on the complete prohibition and total destruction of chemical weapons' (also issued as CD/483)
- CD/CW/WP.75, dated 26 March 1984, submitted by China, entitled 'Some aspects on "Small-Scale Production Facility" '
- CD/CW/WP.76, dated 30 March 1984, submitted by the Islamic Republic of Iran, entitled 'Proposal concerning the content of chemical weapons relating to the procedure to be followed in considering a request by a Member State for an on-site inspection. (Amendment to Article 4 of the Report of the Co-ordinator of Contact Group B (document CD/416, annex II, p. 14))'
- CD/CW/WP.77, dated 2 April 1984, entitled 'Programme of work of the Ad Hoc Committee for the month of April 1984'
- CD/CW/WP.77/Rev.1, dated 5 April 1984, entitled 'Programme of work of the Ad Hoc Committee for the month of April 1984' (English only)
- CD/CW/WP.78, dated 2 April 1984, submitted by the USSR, entitled 'Proposal concerning the content of procedures for the verification of the destruction of chemical weapons stockpiles'
- CD/CW/WP.79, dated 3 April 1984, submitted by France, entitled 'Elimination of stocks and of production facilities' (also issued as CD/494)
- CD/CW/WP.80, dated 17 April 1984, entitled 'Programme of work of the Ad Hoc Committee on Chemical Weapons for the second part of the 1984 session'
- CD/CW/WP.81, dated 26 April 1984, entitled 'Proposals by the Chairman of the Ad Hoc Committee on Chemical Weapons for draft Articles for parts of a chemical weapons convention'
- CD/CW/WP.82, dated 6 July 1984, entitled 'Preliminary structure of a Convention on chemical weapons'
- CD/CW/WP.82/Rev.1, dated 6 August 1984, entitled 'Preliminary structure of a Convention on chemical weapons'
- CD/CW/WP.83, dated 16 July 1984, entitled 'Programme of work of the Ad Hoc Committee on Chemical Weapons for the remainder of the 1984 session'
- CD/CW/WP.84, dated 8 August 1984, submitted by a group of socialist States entitled 'The Organization and Functioning of the Consultative Committee' (also issued as CD/532)
- CD/CW/WP.85, dated 8 August 1984, entitled 'Draft Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament '

- CD/CW/WP.85/Add.1, dated 15 August 1984, entitled 'Draft Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament - Annex I'
- CD/CW/WP.85/Add.2, dated 14 August 1984, entitled 'Draft Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament - Annex II'
- CD/CW/WP.86, dated 10 August 1984, submitted by the United Kingdom of Great Britain and Northern Ireland, entitled 'Verification of non-production of chemical weapons' "

"III. SUBSTANTIVE WORK DURING THE 1984 SESSION

"9. In accordance with its mandate, the Ad Hoc Committee started the full and complete process of elaboration and negotiation of the convention, except for its final drafting, on the basis of existing material and new proposals made by delegations. To this effect, the Ad Hoc Committee accepted the Chairman's proposal to set up three Working Groups which dealt with specific aspects of the following spheres of the Convention as follows:

- "(a) Working Group A: Scope
(Chairman: Mr. S. Duarte, Brazil)
- "(b) Working Group B: Elimination
(Chairman: Mr. R.J. Akkerman, The Netherlands)
- "(c) Working Group C: Compliance
(Chairman: Mr. H. Thielicke, German Democratic Republic)

In addition, the Chairman of the Ad Hoc Committee was assisted by Ambassador J.A. Beesley (Canada) and Ambassador S. Turbanski (Poland) in dealing with the issues of prohibition of use of chemical weapons and the structure of the Convention.

"10. On the basis of the results achieved in the Working Groups, and the proposals put forward by the Chairman, preliminary drafting was undertaken on some of the provisions of the Convention. These preliminary draft articles or parts thereof are included in Annex I and structured according to the preliminary structure of the Convention (CD/CW/WP.82/Rev.1). The Committee took note of the intention of the 1984 Chairman to revise the record of positions on substantive issues contained in CD/CW/WP.67 using material submitted by delegations concerned so as to reflect changes in positions. */ Annex II contains reports by the Working Group Chairmen. Annex III contains some proposals introduced in the Conference on Disarmament as formulated and presented in Conference Documents. "

" */ Some delegations expressed doubts about the necessity of updating this document.

"IV. CONCLUSIONS AND RECOMMENDATIONS

"11. The content of Annex I reflects the stage of negotiations on a Chemical Weapons Convention, but it does not bind any delegation.

"12. The Ad Hoc Committee recommends to the Conference on Disarmament:

"(a) that Annex I be used for further negotiation and drafting of the Convention;

"(b) that the reports of the Chairmen of the Working Groups as contained in Annex II, including their proposed draft formulations, together with other relevant present and future documents of the Conference also be utilized in the further elaboration of the Convention;

"(c) that the Ad Hoc Committee resume its work under the Chairmanship of Ambassador R. Ekéus (Sweden) and under its present mandate, for a session of limited duration during the period 14 January - 1 February 1985; that the work cover the two specific issues of Permitted Activities and Verification on challenge including related issues with regard to the Consultative Committee, as well as further negotiations on the material in Annex I which has been subject to preliminary drafting; furthermore that consultations be undertaken by the Chairman in the meantime in preparation for the resumed session, and that the Committee present to the Conference on Disarmament a report on its work during that period;

"(d) that the Ad Hoc Committee be re-established before the end of the second week of the 1985 session with the 1984 mandate, and that Ambassador S. Turbanski (Poland) be appointed as its Chairman;

"(e) that a decision be taken early in the first part of the 1985 session on the continuation of the process of negotiation on the Convention after the closure of the 1985 session, with a view to holding a resumed session of a duration which will ensure that the time available in the period between September 1985 and January 1986 is more fully utilized for negotiations."

"ANNEX I

"This Annex to the report of the 1984 session of the Ad Hoc Committee on Chemical Weapons has been structured so as to reflect the work accomplished by the Ad Hoc Committee in discharging its mandate (CD/440). The preliminary character of the texts presented is to be stressed. The different stages of the preliminary drafting process within the negotiations on the text of a Convention are reflected as texts having different status as explained below. In accordance with the mandate of the Committee, the texts, whatever their status, are not binding for any delegation. Due to the extensive and complicated nature of the substance and the limited time available, it was not possible to consider a number of the parts of the Convention during this session. The texts reproduced in this Annex therefore do not contain all positions or reflect changes in them.

"The text is arranged following the preliminary structure of a future Convention in CD/CW/WP.82/Rev.1, which has been used on the understanding that it is still tentative. The placement of provisions within the structure has not been discussed in most cases. Thus Annex I does not reflect all proposals regarding placement which have been made; the issues remain open and will be discussed at a later stage.

"In the texts, differing views appear within brackets in cases where alternative formulations were suggested. Other views, expressed in a more general way, are presented in footnotes.

"The differing types of texts, reflecting the different stages of the preliminary drafting process within the negotiations are as follows:

- "1. On the basis of the reports of the Chairmen of the Working Groups and the proposals by the Chairman of the Committee, some texts have been subject to extensive consultations and drafting efforts conducted by the Chairman of the Committee. Such texts are marked with two lines in the margin.
- "2. Other texts, based on the same material, have not been subject to extensive drafting but the Chairman of the Committee or the Working Groups Chairmen were to a varying extent able to consult with delegations on substance but not necessarily on formulations. Such texts are marked with one line in the margin.
- "3. Some issues, dealt with in the report of the previous session (CD/416) which was re-edited at the beginning of the session as CD/CW/WP.67, have not been further considered during this session. These are indicated at appropriate places with the headings from CD/CW/WP.67 and marked '67' in the margin.

"Preliminary structure of a Convention on chemical weapons"*/

"Preamble

- I. General provisions on scope
- II. Definitions and Criteria
- III. Declarations
- IV. Measures on chemical weapons
- V. Measures on chemical weapons production facilities
- VI. Permitted activities
- VII. National implementation measures
- VIII. Consultative Committee
- IX. Consultations, co-operation and fact finding
- X. Assistance
- XI. Economic and technological development
- XII. Relation to other international agreements
- XIII. Amendments
- XIV. Duration, withdrawal
- XV. Signature, ratification, entry into force
- XVI. Languages

Annexes and other documents

* / Discussions are still continuing on where different issues like verification measures are to be placed under this structure.

"Preamble

.....

"Determined, for the sake of all mankind, to exclude completely and forever the possibility of chemical weapons [which utilize the toxic properties of toxic chemicals, to cause death, or temporary or permanent harm to man and animals,] being used.

.....

"I. GENERAL PROVISIONS ON SCOPE

"Each State Party undertakes not to develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone.

"Each State Party undertakes not to assist, encourage or induce, in any way, anyone to engage in activities prohibited to Parties under this Convention.

"Each State Party undertakes not to use chemical weapons [in any armed conflict] [in any conflict^{*/}] [in any circumstances], and also not to use herbicides [for other than/non-hostile/ permitted^{**/} purposes] [for methods or means of warfare].

[Each State Party undertakes not to [conduct other activities in preparation for use of chemical weapons] [engage in any military preparations for use of chemical weapons].]

" */ With this alternative is suggested the following reservations:

- a) except for the use of irritants for the purpose of riot control;
- b) other exceptions.

" **/ It was noted that the definition of 'permitted purposes' refers only to the definition of chemical weapons. Such a reference may not be applicable in this context. In such a case the permitted purposes would have to be spelt out in full in these undertakings.

"Each State Party undertakes to [destroy] [destroy or divert for permitted purposes] chemical weapons which are in its possession or under its [jurisdiction or] control.*/
|
|

"Each State Party undertakes to [destroy] [destroy or dismantle] chemical weapons production facilities which are in its possession or under its [jurisdiction or] control.**/
|
|

"II. DEFINITIONS AND CRITERIA

"For the purposes of this Convention:

"1.***/ The term 'chemical weapons' shall apply to the following, together or separately:

"(i) toxic chemicals and their precursors, [including components of binary or multicomponent chemical weapons] except those intended for permitted purposes as long as the types and quantities involved are consistent with such purposes.****/
|
|

"*/ An alternative formulation and placement of this undertaking is given under 'Measures on chemical weapons' on page 65.

"**/ An alternative formulation and placement of this undertaking is given under 'Measures on chemical weapons production facilities' on page 67.

"***/ The definitions of chemical weapons are presented on the understanding that problems related to irritants used for law enforcement and riot control, and also to chemicals intended to enhance the effect of the use of chemical weapons if their inclusion in the convention is agreed could be handled outside the definitions of chemical weapons if this will result in a more clear and understandable definition. Preliminary suggestions made to solve these problems are given below and consultations on them will be continued.

"****/ Toxic chemicals and their key precursors not intended for permitted purposes are also called chemical warfare agents.

"(ii) munitions and devices specifically designed to cause death or other harm through the toxic properties of those toxic chemicals referred to under (i) above which would be released as a result of the employment of such munitions and devices.

"(iii) any equipment specifically designed for use directly in connection with the employment of such munitions or devices.

" - [The term 'chemical weapons' shall not apply to those chemicals which are not super-toxic lethal, or other lethal chemicals and which are used by a Party for domestic law-enforcement and domestic riot control purposes.]

" - [States Parties agree not to [develop, produce, stockpile or] utilize for chemical weapons chemicals intended to enhance the effect of the use of such weapons.]

" [2. 'Toxic chemicals' means:

chemicals [regardless of the method of their production] [whether produced in plants, munitions or elsewhere] whose toxic properties can be utilized [in armed conflicts^{*/}] to cause death or temporary or permanent harm, to man or animals [or plants], involving:]

" [2. 'Toxic chemical' means:

any chemical, regardless of its origin or method of production, which through its chemical action on life processes can cause death, temporary incapacitation, or permanent harm to man or animals

" */ Depending on the formulation of the prohibition of use.

" Toxic chemicals are divided into the following categories:]

" (a) 'super-toxic lethal chemicals', which have a median lethal dose which is less than or equal to 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m³ (by inhalation) when measured by an agreed method^{*/} set forth in

" (b) 'other lethal chemicals', which have a median lethal dose which is greater than 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m³ (by inhalation) and less than or equal to 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m³ (by inhalation) when measured by an agreed method^{*/} set forth in

" [(c) 'other harmful chemicals', being any^[toxic] chemicals not covered by (a) or (b) above, ^[including toxic chemicals which normally cause temporary incapacitation rather than death]at similar doses to those at which super-toxic lethal chemicals cause death].]

" [and 'other harmful chemical' has a median lethal dose which is greater than 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m³ (by inhalation).]

" 3. Permitted purposes means:

" [(a) industrial, agricultural, research, medical, law enforcement or other peaceful purposes; and]

" [a) industrial, agricultural, research, medical or other peaceful purposes, law enforcement; and]

" (b) protective purposes, namely those purposes directly related to [means of] protection against chemical weapons^{**/}

" ^{*/} It was noted that after such measurements had actually been performed, the figures mentioned in this and the following section might be subject to slight changes in order to cover sulphur mustard gas under the first category.

" ^{**/} The suggestion that such permitted protective purposes should relate only to 'an adversary's use of' chemical weapons was removed pending a decision on where in the Convention the question of prohibiting other military preparations for use of chemical weapons than those mentioned under scope should be dealt with.

"(c) military purposes which [are not related to the use of chemical weapons] [do not rely upon the toxic properties of toxic chemicals or which are purposes otherwise permitted under sub-paragraphs (a) and (b) of this paragraph].

" 4. 'Precursor' means:

a chemical reagent which takes part in the production of a toxic chemical.

" 5. 'Key precursor' means

a precursor which poses a significant risk to the objectives of the Convention by virtue of its importance in the production of a toxic chemical. It may possess[possesses] the following characteristics^{*/}.

" (a) it may play [plays] an important role in determining the toxic properties of a [toxic chemical] [super-toxic lethal chemical].

" (b)' it may be used in one of the chemical reactions at the final stage of production of the [toxic chemical] [super-toxic lethal chemical], whether in large scale production or in binary or multi-component weapons [or elsewhere].

" (b)'' it may be [is] used [in one of the chemical reactions] at the final stage of production of the [toxic chemical] [super-toxic lethal chemical], whether in a production facility, in a munition or device, or elsewhere.

" (b)''' it may be used in one of the chemical reactions at the final stage of formation of the [toxic chemical] [super-toxic lethal chemical].

^{*/} Although different opinions exist on the place for these characteristics, there is no disagreement that they have to be taken into account when drawing up the list of key precursors forming part of the Convention.

" [(c) it may [is] not be used, or [is] used only in minimal quantities, for permitted purposes.]

" Key precursors are listed in

" [The list in ... shall be subject to revisions according to ... taking into account the above characteristics as well as any other relevant factor^{*/}.]

" [The list in ... may be subject to revisions according to ... taking into account the above characteristics.]

" [For the purpose of the relevant provisions in a Chemical Weapons Convention key precursors should be listed according to the characteristics.]

" [As an exception to the rule, chemicals which are not key precursors but are deemed to pose a threat [particular risk] with regard to a Chemical Weapons Convention should be included in a list, if an understanding to this end can be reached.]

" 6. Chemical weapons production facility means:

" [Chemical weapons production facility means any building or equipment designed, constructed or used (in any degree) for the production of chemical weapons or for filling chemical weapons.]

" ['Chemical weapons production facility' means any building or any equipment which in any degree was designed, constructed or used since 1 January 1946, for:

"(a) the production for chemical weapons of any toxic chemical, except for those listed in (Schedule B), or the production for chemical weapons of any key precursor; or

"(b) the filling of chemical weapons.]

" ^{*/} It seems generally acceptable that this para. could appear in the list of key precursors.

" III DECLARATIONS

"Declarations of chemical weapons

"Each State Party undertakes to submit not later than 30 days after entry into force for it of the Convention declarations to the Consultative Committee, stating:

- whether it possesses or does not possess any chemical weapons^{*/};
- whether it has on its territory any chemical weapons under the [jurisdiction or] control of anyone else;
- the composition of stocks of chemical weapons, i.e.:^{**/}
 - toxic chemicals and their [key] precursors comprised in such stocks by their chemical names, [structural chemical formulae,] toxicities where applicable and weights in metric tons in bulk and filled munitions;
 - munitions by types, calibres, quantities and chemical fill;
 - [other delivery] devices by types, quantities, [volume], [size] and chemical fill;
 - equipment [or chemical] specifically designed for use directly in connection with the employment of such munitions or [other delivery] devices;
- [- the precise location of chemical weapons under its control and the detailed inventory of the chemical weapons at each location]

"[Each State Party undertakes to submit to the Consultative Committee declarations stating the location of storage depots adjacent to destruction facilities [within 3 months after entry into force of the Convention].]^{***/}

" ^{*/} Regardless of quantity or location.

" ^{**/} It has been proposed that some of this material could be placed in an annex.

" ^{***/} [Within 6 months with respect to binary weapons and within 24 months for other chemical weapons.]

"[Each State Party undertakes to submit to the Consultative Committee declarations on the detailed composition of each batch of chemical weapons to be destroyed upon arrival at the storage depot adjacent to the destruction facility.]

"[Each State Party undertakes to submit to the Consultative Committee declarations on the detailed composition of each batch of chemical weapons to be diverted for permitted purposes before it is transported to the facility which will assure its diversion.]

"Plans for [destruction] [destruction or diversion for permitted purposes] of chemical weapons

"Each State Party undertakes to submit to the Consultative Committee, not later than [30 days] [3 months]^{*/}[6 months] after entry into force for it of the Convention, initial plans^{**/} for the [destruction] [destruction or diversion for permitted purposes] of chemical weapons containing^{***/}

- types of operation;
- schedules with respect to quantities and types of chemical weapons to be [destroyed] [destroyed or diverted to permitted purposes] and end products;
- [location of destruction plants to be used]
[schedules for declaration within two years after entry into force for it of the location of destruction plants^{*/} to be used]

"Each State Party undertakes to submit to the Consultative Committee [three] [six] months before the [destruction] [destruction or diversion] operations are to begin detailed plans containing the information needed by the Consultative Committee as provided for in

^{*/} The [3 months] timeframe is a working variant subject to further consideration taking into account the results of elaboration of specific contents of the initial plans.

^{**/} To be based on agreed principles.

^{***/} It has been proposed that some of this material could be placed in an annex.

"Each State Party undertakes to submit to the Consultative Committee [periodic] [annual] progress reports on implementation of plans for the [destruction] [destruction or diversion for permitted purposes] of chemical weapons and a notification of the completion of [destruction] [destruction or diversion] of chemical weapons within 30 days thereafter.

"Old Stocks

'67'

"Initial declaration of chemical weapons production facilities

'67'

"Submission of plans and notifications

'67'

"IV. MEASURES ON CHEMICAL WEAPONS

"Each State Party undertakes to [destroy] [destroy or divert^{*}] for permitted purposes as defined in]
[1. to destroy and 2. have the right to divert for permitted purposes as provided for in ...] [as rapidly as possible] [all] chemical weapons if any under their [jurisdiction or] control. [All chemical weapons stocks should be totally destroyed except for dual purpose toxic chemical and dual purpose key precursors which, as agreed upon, may be diverted to permitted purposes.]

"[[Destruction] [destruction or diversion for permitted purposes] shall commence within 6 months and be completed within ten years after the Convention's entry into force for the Party, in accordance with the schedule^{**} specified in]

"[[Destruction] [destruction or diversion for permitted purposes] shall be carried out in accordance with the schedule specified in ... within the overall timeframe beginning from 6 months and ending within 10 years after the Convention's entry into force.]

"^{*}/ Diversion is suggested not to relate to super-toxic lethal chemicals and their key precursors, except as allowed in with respect to permitted activities admitting possession of an aggregate amount of up to one ton a year.

"^{**}/ It is understood that such a schedule is based on the principle that during the entire stage of [destruction] [destruction or diversion for permitted purposes] no Party that has declared the possession of chemical weapons shall gain any military advantage. Some delegations suggested that the most toxic chemicals such as VX, soman, sarin, tabun, mustard gas etc. shall be destroyed in the first place.

"Elimination of stocks

'67'

"[The Consultative Committee shall consult with Parties no later than [three months] [between three to ... months] after entry into force of the Convention with a view to co-ordinate their plans for destruction or diversion of chemical weapons submitted in accordance with...]

"[Destruction] [destruction or diversion for permitted purposes] shall employ non-reversible procedures which will [allow] [not artificially hinder] the systematic international on-site inspection by the Consultative Committee provided under ...

"Each State Party undertakes to protect population and environment in fulfilling the obligations connected with the [destruction] [destruction and the diversion for permitted purposes] of chemical weapons.*/"

"Each State Party undertakes

- to declare within... days any chemical weapons which might be found [after the initial declarations] [and which were left without its knowledge] [anywhere] [on its territory] under its [jurisdiction or] control, submitting to the Consultative Committee all relevant data in its possession about the found chemical weapons and planned methods, timetables and the place of their destruction, according to

*/ It is understood that the protection of population and environment should also be observed in the destruction of chemical weapons production facilities.

- to destroy such weapons in a manner which would ensure the safety of population and environment, taking into account the quantity and the state of the discovered chemical weapons.

"Non-removal of stocks

'67'

"Verification measures

'67'

"V. MEASURES ON CHEMICAL WEAPONS PRODUCTION FACILITIES

"Each State Party undertakes to destroy its chemical weapons production facilities.*/"

"Destruction of production facilities can be carried**/
out by any of the following methods***/ alone, or as
appropriate together:

- "1. dismantling and physical destruction of all components and structures;
- "2. dismantling and physical destruction of certain components, while reusing other components for permitted purposes;
- "3. dismantling and physical destruction of certain structures.

"The specific method or combination of methods to be used in respect of each production facility shall be determined by each State Party according to the nature of the facility concerned and in accordance with the principles laid down in
.....

"Each State Party shall indicate in its plan(s) for destruction of production facilities the specific methods of destruction envisaged.

* / To be defined elsewhere; this text refers only to 'single-purpose' facilities.

** / It has been proposed that this paragraph might be placed in an annex.

*** / It is an understanding that the methods mentioned may not be exhaustive and that further consideration should be given to this problem, taking into account the future definition of chemical weapons production facility.

"Elimination of Production Facilities

'67'

"Cessation of production activities

'67'

"Non-construction and non-conversion of production facilities

'67'

"Verification measures

'67'

"VI. PERMITTED ACTIVITIES*/

"Each State Party has the right, in accordance with the provisions of this Convention, to [develop], produce otherwise acquire, retain, transfer**/ and use toxic chemicals and their precursors***/ for permitted purposes, in types and quantities consistent with such purposes, subject to the following [restrictions]:****/

*/ It is generally felt that a provision stating that nothing in the Convention should be interpreted as hampering the activities of Parties in the chemical field should be formulated. The precise formulation and placement of such provision should be further discussed. (Formulations on this matter appear under XI. 'Economic and technological development')

**/ A provision on transfer should be elaborated.

***/ 'Toxic chemicals and their precursors' used here with reference to the section on 'definitions'.

****/ In accordance with procedures set forth in ... and, as appropriate, on the basis of lists of chemicals, including those of particular risk, to be determined according to agreed criteria.

- " 1. Super-toxic Lethal Chemicals
- (a) a limitation to an amount which is the lowest possible and in any case does not exceed one metric ton of the aggregate quantity of super-toxic lethal chemicals [and their precursors] [and key components of binary systems] produced, diverted from stocks, or otherwise acquired annually or possessed at any one time [for protective purposes] [for all permitted purposes];
 - (b) a limitation of the production of these chemicals to a single small-scale facility having a capacity limit of
 - (c) a notification to the Consultative Committee of the location and capacity of the small-scale production facility within 30 days after entry into force for a State Party, or when constructed later days before the date of commencement of operations;
 - (d) monitoring of the small-scale production facility by annual data reporting with justification, on-site instruments, and systematic international on-site inspections [periodically] [on a quota basis].
- +/

"+/ This material was put together by the Chairman of the Working Group following consultations with some delegations as a presentation of positions.

- " [2. a prohibition of the production of compounds with methyl-phosphorus bond in commercial production facilities [and to restrict such production to the single small-scale facility].]
- [(e) monitoring of all facilities producing super-toxic lethal chemicals by regular reporting which would include description/justification of the civil uses for which the chemical is produced and systematic international on-site inspection.]
- [(f) a prohibition of production and use of listed super-toxic lethal chemicals, except for the production and use of such chemicals in laboratory quantities, for research, medical, or protective purposes at establishments approved by the Party.]
- " 3. Other Lethal and Other Harmful Chemicals
- (a) monitoring of production and use by annual data reporting [according to the level of risk posed by particular chemicals whether per se or as precursors];
- [(b) a declaration to the Consultative Committee of the location of facilities for the production of certain other lethal and other harmful chemicals deemed to pose a particular risk.]
- " 4. Key precursors [which are not key components of binary systems and/or which do not contain methyl-phosphorus bond]
- Monitoring by annual data reporting of production and use [and declaration to the Consultative Committee of the location of facilities for the production of key precursors] [and systematic international on-site inspection on a random basis.]
- +/ "
- [5. Precursors (to be elaborated)]

"RESTRICTIONS ON ACQUISITION AND TRANSFER

'67'

"Cessation of acquisition and transfer

'67'

"Permitted Transfers

'67'

"VII. National Implementation Measures

"Each State Party undertakes to adopt measures necessary in accordance with its constitutional processes to implement the Convention, and in particular, to prohibit and prevent any activity in violation of the Convention and to monitor compliance with the Convention anywhere under its [jurisdiction or] control.

"It undertakes to inform the Consultative Committee^{*/} of the legislative and administrative measures taken to implement the Convention.

"Each State Party undertakes to co-operate with the Consultative Committee in the exercise of all its functions and in particular to provide, through any national organization or authority assigned to implement the Convention, assistance to the Consultative Committee including data reporting, assistance for international on-site inspections and a prompt response to all requests for the provision of expertise, information and laboratory support.^{**/}

"National Technical Means

'67'

"*/ Any mentioning of the Consultative Committee may also relate to its appropriate subsidiary organ, whichever may be decided.

"**/ It has been proposed to place this paragraph under Section VIII.

"VIII. CONSULTATIVE COMMITTEE"*/

- "1. For the purpose of facilitating the implementation of the Convention by assisting States Parties in consultations and cooperation, as well as by promoting verification of compliance with the Convention, a Consultative Committee shall be established. It shall consist of the representatives designated by the States Parties to the Convention."**/
- "2. The first session of the Committee shall be convened by the Depositary at [venue] not later than 30 days after the entry into force of the Convention.
- "3. The Committee shall
- "a) consider any matter raised, related to the objectives or the implementation of the Convention;
 - b) review scientific and technical developments [which could affect the operation of the Convention and consider other technical matters] related to the implementation of the Convention;
 - "[c) consider measures to be taken by States Parties at the emergence of any situation which poses a threat to the Convention or impedes the achievement of its objectives;]***/"
 - "[d) consider practical measures to be taken by States Parties in assistance of any endangered State Party;]***/"

"/ Further material on the Consultative Committee can be found in Annex II, pp. 97-102 and in Annex III, CD/294, p. 7, and CD/500, pp. 7-8 and annex I, and in CD/532.

"/ Concerning the participation in the Committee of States signatories to the Convention, it was suggested that an appropriate provision be included in the Convention. According to another view, this matter should be decided by the Committee itself.

"/ The proposals are not thought to affect in any way the rights of States to have recourse to the Security Council as provided in the UN Charter. According to another view, however, it would be appropriate to consider these proposals in close connection with a possible role of the UN Security Council in the compliance procedure, especially concerning assistance for a State Party which has been harmed or is likely to be harmed as a result of violation of the Convention.

"4. The Committee shall meet in regular sessions annually during the first ten years after the entry into force of the Convention. After that period, it may meet annually, unless States Parties decide otherwise.*/ The Committee shall review the operation of the Convention at its regular sessions every 5 years.**/

"An extraordinary session of the Committee may be convened at the request of any State Party or the Executive Council within 30 days after the receipt of such request.***/

"5. The Committee shall take its decisions by consensus****/[whenever possible] [on matters of substance]. If a consensus cannot be reached [within 24 hours, a decision may be taken by a majority of those present and voting. The report on a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.] [during the session, each State Party may record its opinion in the final report of the session for subsequent study by the Governments of the other States Parties to the Convention. Decisions on procedural matters related to the organization of work shall be taken by consensus, whenever possible, and otherwise by a majority of those present and voting.]

"6. The Committee shall elect its Chairman at the beginning of each regular session.

"*/ It was suggested that the decision could be taken at the end of each session or the Chairman of the Committee could elicit the views of States Parties.

"**/ It was suggested that in such a case the regular session may be divided into two parts: (a) normal regular session; (b) review session. According to another view, the possibility of holding regular review conferences should be considered in close connection with the procedure for amendments.

"***/ It was suggested that the request forwarded by a State Party should be substantiated. According to another view, it should be supported by a certain number of States Parties (e.g. 5)

"****/ It was suggested that decisions on all questions should be taken either by consensus or by a majority vote. It was furthermore suggested that there should be a clear understanding as to the difference between procedural and substantive matters.

- "7. The Committee shall, after each regular session, present to the States Parties a report on its activities.*/
"8. The expenses for the activities of the Committee shall be borne by the States Parties to the Convention.**/
"9. Legal Status***/
"10. For the purpose of assisting the Committee in carrying out its functions, an Executive Council and a Technical Secretariat shall be established.
"11. The Consultative Committee may set-up other [technical] subsidiary organs as may be necessary for its work.
"12. The Executive Council shall have delegated authority to discharge the functions of the Consultative Committee set out in sub-paras. 3 [.....] as well as any other functions which the Committee may delegate to it. The Council shall report to the Committee at its regular sessions on its exercise of these functions. [In the intervals between the sessions, questions with regard to promoting the implementation of and compliance with the Convention shall be dealt with by the Executive Council acting on behalf of the Consultative Committee.]
"13. The Council shall be composed of representatives of [15] States Parties and a non-voting Chairman.
 "[Ten members of the Council shall be elected by the Consultative Committee upon consultation with the States Parties, taking into account the principle of equitable political and geographic representation, for a term of 2 years with an annual replacement of five members. The remaining five seats shall be reserved for the permanent members of the Security Council participating in the Convention.]
 "[Based on the principle of the sovereign equality of States, members shall be elected by the Consultative Committee from among all States Parties. Elections could be made on the basis of a regional allocation of seats or on any other adequate basis that will be agreed upon, excluding the possibility of institutional permanent membership of any State Party.]

*/
It is understood that the report might consist of the proceedings of the regular session and the final document of the session. In case there is no annual regular session of the Consultative Committee, the Executive Council may present a technical report to States Parties.

**/
It is understood that the Preparatory Commission would make a recommendation concerning the financing of the activities of the Committee.

***/
It was suggested that the Technical Secretariat should be able to enter into the legal contracts necessary to fulfil its functions. This matter should be addressed in a comprehensive way after agreement is reached on the conduct of activities by the Consultative Committee and its subsidiary organs.

"14. The Council shall take its decisions by consensus^{*/} [whenever possible] [on matters of substance]. If a consensus cannot be reached within [24 hours] [a decision may be taken by a majority of those present and voting. The report on a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.] [with regard to a request for on-site inspection, the State subject to the request shall be informed of the individual opinions expressed by all the Members of the Executive Council on the matter. The Council shall take its decisions on procedural matters related to the organization of its work by consensus whenever possible, and otherwise by a majority of those present and voting.]

"[A fact-finding team shall be automatically sent out by the Executive Council in response to the request made by a State Party for inspection to be carried out in territories under its control.]

"15. [The Council shall be able to be convened on short notice and to function continuously. Each member of the Council shall for this purpose be represented at all times at the seat of the Consultative Committee.]

"16. The Chairman of the previous regular session of the Consultative Committee shall serve as Chairman of the Council.

"[17. The Executive Council may set-up such subsidiary organs as may be necessary for its work.]

"[18. A Fact-Finding Panel subordinate to the Executive Council shall be established. The Panel shall be responsible for conducting fact-finding inquiries, including the oversight of challenge on-site inspection.]^{**/}

" ^{*/} It was suggested that decisions on all questions should be taken either by consensus or a majority vote.

" ^{**/} Different suggestions have been made with regard to such an organ:

" a) It would not be necessary to provide for such a body, since the three bodies already envisaged would suffice;

" b) Panel with political and technical functions as subsidiary organ to the Executive Council, composed of

- i) five members; or
- ii) technical experts belonging to the delegations to the Executive Council.

" c) Staff of technical experts which would provide technical advice and carry out inspections. The following forms are envisaged:

- i) permanent unit in the Secretariat;
- ii) roster of quickly available experts.

"19. The Technical Secretariat shall

"a) provide administrative support to the Consultative Committee and the Executive Council;

"b) render technical assistance to States Parties, the Consultative Committee and the Executive Council;

"c) carry out international on-site inspections as provided for in the Convention;

"d) assist the Consultative Committee and the Executive Council in tasks related to information and fact-finding as well as in other tasks provided to it by those organs.*/

"20. [The staff of the Secretariat shall be appointed on the basis of the principle of just political and geographical representation of States Parties to the Convention. It shall be composed of inspectors and experts who shall be nationals of the States Parties.]

"[The paramount consideration in the employment of the staff of the Secretariat and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible among States Parties to the Convention.]**/

"21. ***/

"*/ The functions of the Technical Secretariat might be specified further.

"**/ It was suggested that other questions connected with the establishment of the Secretariat should be considered by the Preparatory Commission, which should make appropriate recommendations to the Consultative Committee.

"***/ Material on cooperation between the Consultative Committee and the national verification bodies can be found in Annex II, p.102 and Annex III, CD/294, pp. 6 and 7, and in CD/532, pp. 3 and 4.

"IX. CONSULTATION, CO-OPERATION AND FACT-FINDING

"Each State Party undertakes to consult and co-operate in any matter related to the implementation of the Convention, directly among themselves or through appropriate procedures, including the services or good offices of the Consultative Committee^{*/} (or its subsidiary organs) as well as of appropriate international organizations.

"Each State Party shall endeavour to clarify and resolve, through bilateral consultation, any situation which may give cause to doubts about compliance with the Convention, or which gives rise to concerns about a related situation which may be considered ambiguous. A State Party seized with a request from another State Party for clarification of a particular situation shall [within 7 days] [as soon as possible] provide the requesting State Party with relevant information in order to dispel doubts and to clarify the situation [as a final, or, as an exception, a preliminary answer. A preliminary answer should give the reasons for the delay, and should be followed by a final answer within ...]

"Systematic International Procedures

' 67 '

^{*/} Any mention of the Consultative Committee may also relate to its appropriate subsidiary organ, whichever may be decided.

"Fact-Finding

"General Provisions

"1. [Each State Party undertakes to ensure non-routine verification of compliance with the Convention by the application of fact-finding procedures including on-site inspection on the basis of obligations as set forth in, arranged bilaterally, or by a request to the Consultative Committee as provided for in paragraph 3 of this Article.]

"2. Any State Party may at any time request the Consultative Committee (or its appropriate subsidiary organ) to carry out, in the exercise of its functions, appropriate procedures with regard to itself or another State Party to clarify and resolve any situation which may give cause to doubt about compliance with the Convention, or which gives rise to concerns about a related situation which may be considered ambiguous. Such a request may include a request for an on-site inspection.

"3. Requests sent to the Consultative Committee (or its subsidiary organ) under Paragraph 2 of this Article should contain objective and concrete elements supporting doubts and concern of the compliance with the Convention and should be directly relevant to such doubts and concerns. (Requests should specify the action the Executive Council is requested to take).

"4. Each State Party undertakes to co-operate [fully] with the Consultative Committee and its subsidiary organs and/or international organizations, which may, as appropriate, give scientific, technical and administrative assistance to the Consultative Committee in order to facilitate fact-finding activities so as to ensure the speedy clarification of the situation which gave rise to the original request.

"5. The Consultative Committee shall notify all States Parties of the initiation of any fact-finding procedures as provided for in .. in which it will be involved and shall provided soon as possible [with the consent of the Parties concerned^{*/}] all available information related thereto to all State Parties.

"6. Any State Party which has reason to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may have recourse to appropriate procedures under the Charter of the United Nations [and that nothing in this Article should be interpreted as affecting the rights and duties of Parties under the Charter of the United Nations.]

"*/ It should be observed that a request by one Party for information from another Party transmitted by the Technical Secretariat need not constitute initiation of a fact-finding process.

"United Nations

'67'

"Provisions for requests for fact-finding

"Upon receipt of a request from a State Party for clarification and fact-finding the Technical Secretariat shall, on behalf of the Executive Council, transmit within [....] [2 days] the request to the State Party giving rise to the doubt or concern.

"The Party which was asked for clarification shall within provide its information to the requesting Party, sending it directly to the requesting State Party or to it via the Technical Secretariat [within ... days].

"The requesting State Party, upon receipt of the clarification, will decide if the doubts or concern have been resolved. If it finds that its doubts and concerns have not been resolved it can request the Executive Council to start a fact-finding procedure.

"Upon receipt of such a request the Executive Council shall within... initiate the requested fact-finding procedure which will be conducted as specified in

"A report on the requested fact-finding procedure, whether interim or final, shall be presented to the Executive Council within [2 months].

"The report shall contain the information and the views presented during the requested fact-finding procedure.*/ |

"On-site inspection by Challenge **/

"Verification of the Prohibition of Use

'67'

"X. ASSISTANCE ***/

"Assistance

'67'

"XI. ECONOMIC AND TECHNOLOGICAL DEVELOPMENT

"Promotion of Development Goals

'67'

"XII. RELATION TO OTHER INTERNATIONAL AGREEMENTS

"Preamble

'67'

"XIII. AMENDMENTS

"XIV. DURATION, WITHDRAWAL

"Withdrawal

'67'

"*/ Regarding possible further actions which could be taken by a State Party not satisfied with the outcome of the requested fact-finding report the State Party could ask for the convening of a special meeting of the Consultative Committee. A State Party would have such a right under the part of the Convention regulating the functions and procedures of the Consultative Committee. Whether a specific provision is needed in the section of fact-finding is still under discussion.

"**/ Material on on-site inspection by challenge can be found in Annex II, pp. 105-107 which contains the relevant part of the Report of the Chairman of Working Group C, dated 16 April 1984, and in Annex III, pp. 7 and 8 (from CD/294 dated 21 July 1982), pp. 10 and 11 and annex II, pp. 7 and 8 (from CD/500, dated 18 April 1984), and p. 3 (from CD/532, dated 8 August 1984).

"***/ See 3 c and d under Consultative Committee

"XV. SIGNATURE, RATIFICATION, ENTRY INTO FORCE

"Depositary

"XVI. LANGUAGES

"ANNEXES AND OTHER DOCUMENTS

"Preparatory Commission^{*/}

- "1. For the purpose of [carrying out the necessary administrative and technical preparations for the effective operation of the provisions of the Convention and for] preparing for the first meeting of the Consultative Committee, the Depositary of the Convention shall convene a Preparatory Commission as soon as possible and in any case not later than 60 days after the Convention has been signed by ... States^{**/}.
- "2. The Commission shall consist of the representatives designated by the States which have signed the Convention. Any State which has not signed the Convention [may apply to the Commission for observer status which will be accorded on the decision of the Commission.] [may designate an observer to the Commission.]
- " [Participation of intergovernmental organizations]
- "3. The Commission shall be convened at [Geneva] [Geneva, New York or Vienna] and shall remain in existence until the Convention comes into force and thereafter until the Consultative Committee has convened.
- "4. All decisions of the Commission shall be made by consensus.
- "5. The Commission shall adopt its own rules of procedures and appoint an executive secretary and staff, as shall be necessary.
- "6. The expenses of the Commission shall be met [from the regular budget of the United Nations, subject to the approval of the General Assembly of the United Nations.] [by a loan provided by the United Nations which shall be repaid by the Consultative Committee.] [by the States signatories to the

^{*/} There have been a number of suggestions on the format of the document on the Preparatory Commission which should be further explored. It was proposed that provisions on the Commission could be contained in

- a resolution of the UNGA commending the Convention;
- an Annex to the Convention which would enter into force before the Convention
- any other separate document (e.g. as part of the report of the CD to the UNGA containing the draft Convention)

^{**/} The figure should be identical with the number of States provided for in the Article of the Convention dealing with ratification and entry into force.

Convention, participating in the Commission, in accordance with the United Nations scale of assessment, adjusted to take into account differences between the United Nations membership and the participation of States signatories in the Commission.]

"7. The Commission shall have the following functions:

"a) make arrangements for the first meeting of the Consultative Committee, including the preparation of a provisional agenda and draft rules of procedure [and choosing the site for the first meeting of the Consultative Committee];

"b) make [studies, reports and] recommendations for the first meeting of the Consultative Committee on subjects of concern requiring immediate action, including

"(i) the financing of the activities for which the Consultative Committee is responsible;

"(ii) [the programme of work and] the budget for the first year of the activities of the Consultative Committee;

"(iii) the establishment of the Technical Secretariat;

"(iv) the location of the permanent offices of the Consultative Committee.

"8. In the exercise of its functions, the Commission may have recourse, as appropriate, to the services of appropriate international organizations [within the UN system.]

9. The Commission shall report on its activities to the first meeting of the Consultative Committee.

"ANNEX II

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"Report of the Chairman of Working Group A

"Working Group A held seven meetings between 18 June and 30 July. In the course of its work, and in accordance with its mandate, it had before it the questions of scope, definitions and non-production of chemical weapons, with a view to finding generally acceptable formulations for the articles in the Convention dealing with those subjects. Work was based on CD/CW/WP.67 as well as on proposals presented by delegations.

"I. Scope:

"There were still divergences of view on the way in which the matters which appear under the title 'Purpose and Commitments' in WP.67 (page 4) should be finally drafted for inclusion in the Convention and whether they should be contained in a single article or in more than one article. This did not, however, prevent the Working Group from discussing possible formulations relating to such matters. Several proposals were made in this connection.

"The tentative heading for the first article ('Basic Undertakings') was found to be subject to widely different interpretations.^{*/} It was generally felt that an appropriate heading could best be chosen once the content of the article is agreed.

"The Working Group agreed that the prohibitions to develop, produce, otherwise acquire, stockpile and retain chemical weapons, to transfer such weapons, and to assist, encourage or induce anyone to engage in activities prohibited to parties, should be included in the first article. Views differed on the inclusion of other obligations.

"The Working Group agreed that there should be a clear prohibition of use of chemical weapons, but decided not to discuss its formulation due to the fact that this particular question was being dealt with in another framework of the negotiations.

"Regarding the proposals for a prohibition of 'other activities in preparation for use of chemical weapons', three main trends emerged: some of the proponents of the inclusion of such a provision stated their willingness to discuss the

^{*/} A delegation proposed the inclusion, as a 'basic undertaking' of an additional provision stating the obligation of parties to 'provide access to relevant facilities and locations for the purpose of international verification of compliance'. Other delegations did not believe that such a provision should be included.

possibility of its incorporation elsewhere in the Convention; other proponents stated that they were prepared to present their position in further detail;*/ other delegations did not think that such a prohibition should be included in the Convention as they considered that the existing proposals were unclear and could be subject to different interpretations.

"Views differed on the need to include a destruction obligation in the first article. Some considered this necessary, others questioned its need.

"Taking into account the discussions held, as well as of the proposals made, the Chairman submits the following formulations for further elaboration.

"Each State Party undertakes, in accordance with the relevant provisions of this Convention, not to:

- develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;
- assist, encourage or induce, in any way, anyone to engage in activities prohibited to parties under this Convention;
- use chemical weapons (in any armed conflict);
- (conduct other activities in preparation for use of chemical weapons);

"and to:

- destroy (or divert for permitted purposes) chemical weapons and chemical weapons production facilities which are in its possession or under its jurisdiction or control (alternative): under its control.

"II. Definitions:

"Working Group A devoted three meetings to the question of the definition of 'chemical weapons production facility'. At the close of the discussion, the Chairman presented an informal working paper, dated 29 June, which is attached to this report.

"III. Non-production of chemical weapons:

"Working Group A was unable to hold discussions on this question. The Chairman undertook to hold informal consultations, the results of which are not yet available at the time of this report.

*/ Documents CD/97, CD/142, CD/CW/CRF.29 and CD/426 were mentioned by those delegations as intended to clarify their views on this question.

"Chairman's Paper of 29 June 1984 on

" PRODUCTION FACILITIES

"This paper is intended to summarize the discussions within Working Group A on 11, 25 and 27 June 1984 on the question of production facilities for chemical weapons. It does not engage any delegation and does not prejudice their positions. It represents the Chairman's understanding of the results of the discussion and its purpose is to provide a focus for further work on the matter. The paper draws both on the discussion and on proposals presented by individual delegations.

"I. Definition.

"Alternative A: a simple definition based on the definition of chemical weapons, e.g.,

"Chemical weapons production facility means any building or equipment (any facility) designed and constructed, or used (exclusively) for the production of chemical weapons as defined in this Convention.

"Alternative B: a definition based on the types of chemicals produced by the facility, and containing a cut-off date, e.g.: (CD/500)

"Chemical weapons production facility means any building or any equipment which in any degree was designed, constructed or used since 1 January 1946, for

"(a) the production for chemical weapons of any toxic chemical, except for those listed in Schedule B, or the production of any key precursor; or

"(b) the filling of chemical weapons.

"II. Consequences.

"1. "Under the approach envisaged in Alternative A, measures to be taken regarding production facilities would be specified in the appropriate section of the Convention. Facilities would be categorized and measures would be specified accordingly. Categories would take into account factors such as the types of chemicals, munitions, etc., produced at the facility, the potential threat of chemical weapons produced, the purpose of the production, the practicability of verification, etc.

"Production facilities would be subject to:

"(a) declaration, as provided for in the Convention;

"(b) total destruction;

"(c) partial destruction (or conversion);

"(d) verification, as provided for in the Convention.

"2. Under the approach envisaged in Alternative B, all production facilities so defined would be completely destroyed.

"3. Common features of both approaches:

"Under both approaches, facilities to be destroyed would include:

- "(i) facilities designed and built, or used, solely for production of chemicals defined in the Convention as chemical weapons, and which have no use for purposes not prohibited by the Convention;
- "(ii) facilities designed and built, or used, for filling chemical weapons;
- "(iii) facilities designed and built, or used, exclusively for the production of shell casings and similar metal components for chemical weapons.

"III. Topics for further discussion and clarification: (in Working Group A or elsewhere)

- "1. Whether a definition such as Alternative A is needed, once facilities can be categorized and specific measures agreed for each category.
- "2. Types of specific measures; nature and scope of such measures.
- "3. Which types of facilities would fall under the scope of Alternative B.
- "4. Need for a cut-off date (as in Alternative B); consequences of its adoption.
- "5. Verification measures.
- "6. Types and categories of facilities (illustrative list):
 - "(i) facilities designed and built solely for purposes not prohibited by the Convention but which have been used at least once for production of a chemical for chemical weapons (common commercial chemicals or chemicals that have little use except for chemical weapons);
 - "(ii) facilities designed and built both for purposes not prohibited by the Convention and for production of chemicals that have little use except for chemical weapons;
 - "(iii) facilities designed and built, or initially used, for production of a chemical that has little use except for chemical weapons, but later converted to purposes not prohibited by the Convention; possibility and speed of their reconversion to CW production;
 - "(iv) facilities designed and built, or used, solely for production of chemicals that have little use except for chemical weapons;
 - "(v) facilities designed and built, or used, for filling chemical weapons;
 - "(vi) facilities designed and built, or used, for production of shells and casings for chemical weapons exclusively, or also for the production of other weapons;
 - "(vii) facilities designed and built, or used, for the production of chemicals which may be used as precursors in binary or multi-component chemical weapons;
 - "(viii) facilities designed and built, or used, for the production of chemicals which may bring harm to the environment in case they are used as chemical weapons.

"Report of the Chairman of Working Group B

"Working Group B held seven meetings from 20 June to 3 August 1984. In the course of its work and in accordance with its mandate, it considered the issues of ~~elimination~~ of stocks of chemical weapons and elimination of production facilities, with a view to finding generally acceptable formulations for the articles in the Convention dealing with these issues. Work was based on CD/CW/WP.67 as well as on proposals presented by delegations and by the Chairman.

"Stockpile Declarations

"There remains a difference of views as regards declarations of locations of chemical weapons.

"According to one view a State Party should declare the locations of all its chemical weapons to the Consultative Committee within 30 days after entry into force of it of the Convention. (International on-site verification should in the same view be enabled at the site of declaration immediately following declarations.)

"According to another view a State Party would be under an obligation to submit to the Consultative Committee detailed declarations including their locations on each batch of chemical weapons that would be relocated for subsequent destruction. (Declarations and international on-site verification of the declarations would thus be implemented gradually over a period of up to approximately eight years.)

"According to yet another view, a State Party would be under obligation to submit to the Consultative Committee within 30 days, a detailed declaration of all its stocks of chemical weapons as well as its destruction facilities and their storage areas where the chemical weapons will be progressively grouped in order to be destroyed. (An international on-site inspection should take place within three months after the declaration of stocks and the grouping sites.)

"Those however who held different views on declarations of locations of chemical weapons agreed that, depending on the timeframe, States Parties may redeploy chemical weapons before declaration of their locations, so as to avoid compromising their security due to collocation of chemical weapons with other military objects to which the Convention bears no relation.

"Another difference of views concerns the question of whether all precursors of toxic chemicals in chemical weapons stocks should be declared or key precursors only.

"Further deliberations are necessary on whether there is a need to include in stockpile declarations 'chemicals specifically designed for use directly in connection with munitions or other delivery devices'.

"Initial Plans

"The differences of views on time limits within which a State Party should submit to the Consultative Committee its initial plans now ranges between one month and three months; related to this difference of views is the question whether a State Party should include in its initial plans the locations of the destruction plants to be used or (only) schedules for declarations, within two years after entry into force for it of the Convention, of such locations of destruction plants to be used.

"Verification Measures

"The differing positions with respect to declarations of locations of chemical weapons have their consequences on positions as regards (on-site) verification of stocks of chemical weapons. The differing positions are reflected hereunder, marked with 1, 2, and 3 respectively. 1 + 2 + 3 indicates where the positions are identical.

"verification of initial declarations
of stocks, their storage, destruction
and diversion for permitted purposes]

initial declaration

- "1 [to submit the initial declaration of stocks of chemical weapons to verification by means of systematic international on-site inspection on an immediate basis
- "3 to submit the initial declaration of stocks of chemical weapons to verification by means of systematic international on-site inspection within three months

storage

- "1 to monitor the stocks at their location upon entry into force of the Convention with monitoring instruments installed by international inspectors following verification of the initial declaration and systematic international on-site inspection on a periodic basis and to monitor, within three months after entry into force of the Convention, the stocks at their
- "3 relocation sites with monitoring instruments installed by international inspectors following verification of the initial declaration and systematic international on-site inspection on a periodic basis and]
- to submit stocks to verification between the declarations and the commencement of destruction [or diversion for permitted purposes] by
- "1 + 2 + 3 continuous monitoring^{*/} with on-site instruments and by systematic international on-site inspection on a periodic basis as from the moment of their arrival at the storage site adjacent to the specialized facilities for the destruction.

"*/ This concept needs further study and elaboration in the framework of the Conference on Disarmament.

"destruction or diversion

"to submit the destruction [or the diversion for permitted purposes] of chemical weapons to systematic international verification by on-site monitoring with instruments throughout the process and by systematic international on-site inspection throughout the time the facility is in operation

- [for the most dangerous chemical weapons, including supertoxic lethal chemical weapons; and for all other chemical weapons by combination of permanent on-site monitoring and systematic international on-site

"2 + 3 inspection on a periodic basis or on a quota basis]

"Production facilities

"Attention was also devoted to the elimination of production facilities, notwithstanding the absence, for the time being, of agreement on a definition of production facilities.

"For practical purposes the discussion focused on facilities dedicated to production for hostile purposes only.

"Although the discussion helped clarify the methods to be used in eliminating chemical weapons production facilities, as reflected in the Chairman's proposal in this respect, it was not possible, within the time available, to narrow down the divergences with respect to: declarations, plans and notifications, and verification measures. The positions in this regard remain as reflected in CD/CW/WP.67.

*-- * *

"On the basis of the discussions in the Working Group, the Chairman drafted proposals for articles of the Convention that are reflected hereunder. These proposals represent the Chairman's understanding of the results of the discussions and their purpose is to provide a focus for further work on these issues; they in no way commit delegations nor do they prejudice their positions.

"Proposals by the Chairman of the Working Group

Stockpile Declarations

"Each State Party undertakes to submit not later than 30 days after entry into force for it of the Convention declarations to the Consultative Committee, stating:

- whether it possesses or does not possess any chemical weapons^{*/}
- whether it has on its territory any chemical weapons under the jurisdiction or control of anyone else;

^{*/} (regardless of quantity or location)

" the composition of stocks of chemical weapons, i.e.:

- toxic chemicals and their [key] precursors comprised in such stocks by their chemical names, structural chemical formulae, toxicities where applicable and weights in metric tons in bulk and filled munitions;
- munitions by types, calibres, quantities and chemical fill;
- other delivery devices by types, quantities, size and chemical fill;
- equipment [or chemical] specifically designed for use directly in connection with munitions or other delivery devices;

"[- the precise location of chemical weapons under its control and the detailed inventory of the chemical weapons at each location]

"[Each State Party undertakes to submit to the Consultative Committee declarations stating the location of storage depots adjacent to destruction facilities when the first batch of chemical weapons to be destroyed has arrived there.

"Each State Party undertakes to submit to the Consultative Committee declarations stating the location of storage depots adjacent to destruction facilities within three months after entry into force of the Convention.

"Each State Party undertakes to submit to the Consultative Committee declarations on the detailed composition of each batch of chemical weapons to be destroyed upon arrival at the storage depot adjacent to the destruction facility.

"Each State Party undertakes to submit to the Consultative Committee declarations on the detailed composition of each batch of chemical weapons to be diverted for permitted purposes before it is transported to the facility which will assure its diversion.]

"Initial plans

"Each State Party undertakes to submit to the Consultative Committee, not later than [30 days] [three months]^{*/} after entry into force for it of the Convention, initial plans for the destruction [or diversion for permitted purposes] of chemical weapons containing:

- types of operation;
- schedules with respect to quantities and types of chemical weapons to be destroyed [or diverted for permitted purposes] and end products
- [schedules for declaration within two years after entry into force for it of the] location of destruction plants to be used

"*/ The [three months] timeframe is a working variant subject to further consideration taking into account the results of elaboration of specific contents of the initial plans.

"Detailed Plans

"Each State Party undertakes to submit to the Consultative Committee six months before the destruction or diversion operations are to begin detailed plans containing the information needed by the Consultative Committee for adequately preparing itself for its task.

"Progress Reports

"Each State Party undertakes to submit to the Consultative Committee annual reports of progress on implementation of plans for the destruction or diversion for permitted purposes of chemical weapons and a notification of the completion of destruction or diversion of chemical weapons within thirty days thereafter.

"Verification Measures

"In view of the fact that the consideration of the verification of stockpile declaration was not exhausted, no proposals for draft articles are at this stage included.

"Elimination of production facilities

"Each State Party undertakes to destroy production facilities.*/"

"In relation to production facilities destruction can mean any of the following methods:

- "1. dismantling and physical destruction of all components and structures (= razing to the ground);
- "2. dismantling and physical destruction of certain components, while reusing other components for permitted purposes;
- "3. dismantling and physical destruction (razing) of certain structures;
- "4. a combination of 2 and 3.

"The specific method or combination of methods to be used in respect of each production facility shall be determined according to the nature of the facility concerned and in accordance with the principles laid down in

"Each State Party shall indicate in its plan(s) for destruction of production facilities the specific methods of destruction envisaged.

"/" to be defined elsewhere

"Report of the Chairman of Working Group C

"Working Group C held seven meetings between 22 June and 10 August 1984. It did not consider matters that had already been dealt with in the first part of the session.

"In the course of its work and in accordance with its mandate, it considered mainly institutional issues concerning a Chemical Weapons Convention, including the Consultative Committee and the Preparatory Commission, with a view to finding generally acceptable formulations for relevant articles in the Convention and other documents connected with the Convention.

"Work was based on CD/CW/MP.67 as well as on proposals presented by delegations and by the Chairman.

"I. Consultative Committee

"Appendix I to this report contains preliminary formulations of individual provisions on the Consultative Committee as well as indications of where differences lie, as a departure for further work.

"Whereas the Working Group agreed on the general concept of the Consultative Committee and a number of detailed ideas, major differences prevailed especially with regard to the following questions:

- decision-making process in the Consultative Committee and the Executive Council;
- composition of the Executive Council;
- functions of the Consultative Committee and its subsidiary organs.

"These questions should receive attention in future work with a view to elaborating generally acceptable formulae. It was proposed to consider whether there is a need to setting-up a Fact-Finding Panel.^{*/} It was also proposed to consider procedures for the co-operation between the Committee and national authorities of States Parties assigned to implement the Convention^{**/} and to elaborate illustrative guidelines for the national authorities.

"II. Preparatory Commission

"Appendix II contains preliminary formulations of individual provisions concerning the Preparatory Commission as well as indications as to where differences lie, as a departure for further work. This matter might be taken up at a later stage of negotiations on a Chemical Weapons Convention, especially after agreement has been reached on the provisions on the Consultative Committee.

^{*/} See document CD/500.

^{**/} See document CD/532.

"III. National technical means of verification

"Working Group C was unable to hold discussions on this matter. Positions of delegations remain the same and are reflected in CD/CW/WP.67, p.20.

"IV. United Nations

"Positions as reflected in CD/CW/WP.67, p.23, remained the same.

"V. Other questions

"Issues pertaining to:

- the Depositary of the Convention
- the procedure for amendments

should be taken up in the further work at the Ad Hoc Committee's level.

* * *

"APPENDIX I

"Chairman's Paper

"Consultative Committee

"1. For the purpose of facilitating the implementation of the Convention by assisting States Parties in consultations and co-operation, as well as by promoting verification of compliance with the Convention, a Consultative Committee shall be established. It shall consist of the representatives designated by the States Parties to the Convention.*/

"2. The first session of the Committee shall be convened by the Depositary at [venue] not later than 30 days after the entry into force of the Convention.

"3. The Committee shall

"(a) consider any matter raised, related to the objectives or the implementation of the Convention;

"(b) review scientific and technical developments [which could affect the operation of the Convention and consider other technical matters] related to the implementation of the Convention;

"(c) consider measures to be taken by States Parties at the emergence of any situation which poses a threat to the Convention or impedes the achievement of its objectives;]**/

"[(d) consider practical measures to be taken by States Parties in assistance of any endangered State Party;]**/

"/ Concerning the participation in the Committee of States signatories to the Convention, it was suggested that an appropriate provision be included in the Convention. According to another view, this matter should be decided by the Committee itself.

"/ The proposals are not thought to affect the rights the Security Council has under the United Nations Charter. According to another view, however, it would be appropriate to consider these proposals in close connection with a possible role of the United Nations Security Council in the compliance procedure, especially concerning assistance for a State Party which has been harmed or is likely to be harmed as a result of violation of the Convention.

"(e) obtain, keep and disseminate information presented by States Parties including ...*/

and revise the procedures for the exchange of such information, as necessary;

"(f) co-ordinate all forms of verification and co-operate with the national authorities of States Parties assigned to implement the Convention; **/

"(g) oversee and conduct international systematic on-site inspections, including:

"(i) elaborate standard verification techniques;

"(ii) adopt, at its first session, criteria it will subsequently use to determine the modalities and time frames for international systematic on-site inspections at*/

"(iii) determine the modalities and time frames for international systematic on-site inspections at ...*/ proceeding from the agreed criteria;

"(iv) carry out international systematic on-site inspections with regard to ...*/

"(h) receive and consider requests for fact-finding procedures, including requests for on-site inspections, and carry out the inspections, if they are agreed upon; ***/

"(i) facilitate consultations and co-operation among States Parties at their request. by means of rendering services to them with regard to:

"(1) holding consultations among them;

"(ii) exchanging information;

"(iii) obtaining services from appropriate international organizations;

"(iv) participating in on-site inspections arranged among the States Parties;

"(j) oversee the activities of its subsidiary organs;

"(k) consider and approve the reports of the Executive Council;

"(l) consider and approve the budget.

+/

"/ Should be further specified in accordance with the relevant provisions of the Convention.

"/ It was suggested to elaborate procedures for the co-operation between the Consultative Committee and national authorities in the conduct of verification activities.

"/ Should be regarded in close connection with the fact-finding procedures outlined in the Convention; includes verification of reports on use of chemical weapons.

"/ The material was put together by the Chairman of the Working Group on the basis of proposals made by delegations.

"4. The Committee shall meet in regular sessions annually during the first ten years after the entry into force of the Convention. After that period, it may meet annually, unless States Parties decide otherwise.*/ The Committee shall review the operation of the Convention at its regular sessions every five years.**/

"An extraordinary session of the Committee may be convened at the request of any State Party or the Executive Council within 30 days after the receipt of such request.***/

"5. The Committee shall take its decisions by consensus****/ [whenever possible] [on matters of substance]. If a consensus cannot be reached [within 24 hours, a decision may be taken by a majority of those present and voting. The report on a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention]. [during the session, each State Party may record its opinion in the final report of the session for subsequent study by the Governments of the other States Parties to the Convention. Decisions on procedural matters related to the organization of work shall be taken by consensus, whenever possible, and otherwise by a majority of those present and voting.]

"6. The Committee shall elect its Chairman at the beginning of each regular session.

"*/ It was suggested that the decision could be taken at the end of each session or the Chairman of the Committee could elicit the views of States Parties.

"**/ It was suggested that in such a case the regular session may be divided into two parts: (a) normal regular session; (b) review session. According to another view, the possibility of holding regular review conferences should be considered in close connection with the procedure for amendments.

"***/ It was suggested that the request forwarded by a State Party should be substantiated. According to another view, it should be supported by a certain number of States Parties (e.g. 5).

"****/ It was suggested that decisions on all questions should be taken either by consensus or by a majority vote. It was furthermore suggested that there should be a clear understanding as to the difference between procedural and substantive matters.

"7. The Committee shall, after each regular session, present to the States Parties a report on its activities.*/

"8. The expenses for the activities of the Committee shall be borne by the States Parties to the Convention.**/

"9. Legal Status***/

"10. For the purpose of assisting the Committee in carrying out its functions, an Executive Council and a Technical Secretariat shall be established.

"11. The Consultative Committee may set-up other [technical] subsidiary organs as may be necessary for its work.

"12. The Executive Council shall have delegated authority to discharge the functions of the Consultative Committee set out in subparagraphs 3 [.....] as well as any other functions which the Committee may delegate to it. The Council shall report to the Committee at its regular sessions on its exercise of these functions. [In the intervals between the sessions, questions with regard to promoting the implementation of and compliance with the Convention shall be dealt with by the Executive Council acting on behalf of the Consultative Committee.]

"13. The Council shall be composed of representatives of [15] States Parties and a non-voting Chairman.

"[Ten members of the Council shall be elected by the Consultative Committee upon consultation with the States Parties, taking into account the principle of equitable political and geographic representation, for a term of two years with an annual replacement of five members. The remaining five seats shall be reserved for the permanent members of the Security Council participating in the Convention.]

"[Based on the principle of the sovereign equality of States, members shall be elected by the Consultative Committee from among all States Parties. Elections could be made on the basis of a regional allocation of seats or on any other adequate basis that will be agreed upon, excluding the possibility of institutional permanent membership of any State Party.]

"*/ It is understood that the report might consist of the proceedings of the regular session and the final document of the session. In case there is no annual regular session of the Consultative Committee, the Executive Council may present a technical report to States Parties.

"**/ It is understood that the Preparatory Commission would make a recommendation concerning the financing of the activities of the Committee.

"***/ It was suggested that the Technical Secretariat should be able to enter into the legal contracts necessary to fulfil its functions. This matter should be addressed in a comprehensive way after agreement is reached on the conduct of activities by the Consultative Committee and its subsidiary organs.

"14. The Council shall take its decisions by consensus^{*/} [whenever possible] [on matters of substance]. If a consensus cannot be reached within [24 hours] [a decision may be taken by a majority of those present and voting. The report on a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.] [with regard to a request for on-site inspection, the State subject to the request shall be informed of the individual opinions expressed by all the Members of the Executive Council on the matter. The Council shall take its decisions on procedural matters related to the organization of its work by consensus whenever possible, and otherwise by a majority of those present and voting.]

"[A fact-finding team shall be automatically sent out by the Executive Council in response to the request made by a State Party for inspection to be carried out in territories under its control.]

"15. [The Council shall be able to be convened on short notice and to function continuously. Each member of the Council shall for this purpose be represented at all times at the seat of the Consultative Committee.]

"16. The Chairman of the previous regular session of the Consultative Committee shall serve as Chairman of the Council.

"[17. The Executive Council may set-up such subsidiary organs as may be necessary for its work.]

"[18. A Fact-Finding Panel subordinate to the Executive Council shall be established. The Panel shall be responsible for conducting fact-finding inquiries, including the oversight of challenge on-site inspection.]^{**/}

^{*/} It was suggested that decisions on all questions should be taken either by consensus or a majority vote.

^{**/} Different suggestions have been made with regard to such an organ:

"(a) It would not be necessary to provide for such a body, since the three bodies already envisaged would suffice;

"(b) Panel with political and technical functions as subsidiary organ to the Executive Council, composed of

"(i) five members; or

"(ii) technical experts belonging to the delegations to the Executive Council.

"(c) Staff of technical experts which would provide technical advice and carry out inspections. The following forms are envisaged:

"(i) permanent unit in the secretariat;

"(ii) roster of quickly available experts.

"19. The Technical Secretariat shall

"(a) provide administrative support to the Consultative Committee and the Executive Council;

"(b) render technical assistance to States Parties, the Consultative Committee and the Executive Council;

"(c) carry out international on-site inspections as provided for in the Convention;

"(d) assist the Consultative Committee and the Executive Council in tasks related to information and fact-finding as well as in other tasks provided to it by those organs.*/

"20. [The staff of the secretariat shall be appointed on the basis of the principle of just political and geographical representation of States Parties to the Convention. It shall be composed of inspectors and experts who shall be nationals of the States Parties.]

"[The paramount consideration in the employment of the staff of the secretariat and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible among States Parties to the Convention.]**/

"[21. Co-operation between the Consultative Committee and the national verification bodies of the States Parties by, inter alia:

- holding regular meetings between the Consultative Committee and the national bodies;
- training of the personnel of the national bodies in standard verification techniques by the Consultative Committee;
- elaborating by the Consultative Committee of procedures for the sealing of the chemical weapons production facilities;
- assistance to be provided by national bodies to the international inspectors.]

"/ The functions of the Technical Secretariat might be specified further.

"/ It was suggested that other questions connected with the establishment of the secretariat should be considered by the Preparatory Commission, which should make appropriate recommendations to the Consultative Committee.

"APPENDIX II

"Chairman's Paper
"Preparatory Commission^{*/}

"1. For the purpose of [carrying out the necessary administrative and technical preparations for the effective operation of the provisions of the Convention and for] preparing for the first meeting of the Consultative Committee, the Depositary of the Convention shall convene a Preparatory Commission as soon as possible and in any case not later than 60 days after the Convention has been signed by ... States.^{**/}

"2. The Commission shall consist of the representatives designated by the States which have signed the Convention. Any State which has not signed the Convention [may apply to the Commission for observer status which will be accorded on the decision of the Commission.][may designate an observer to the Commission.]

[Participation of intergovernmental organizations]

"3. The Commission shall be convened at [Geneva][Geneva, New York or Vienna] and shall remain in existence until the Convention comes into force and thereafter until the Consultative Committee has convened.

"4. All decisions of the Commission shall be made by consensus.

"5. The Commission shall adopt its own rules of procedures and appoint an executive secretary and staff, as shall be necessary.

"6. The expenses of the Commission shall be met [from the regular budget of the United Nations, subject to the approval of the General Assembly of the United Nations.][by a loan provided by the United Nations which shall be repaid by the Consultative Committee.][by the States signatories to the Convention, participating in the Commission, in accordance with the United Nations scale of assessment, adjusted to take into account differences between the United Nations membership and the participation of States signatories in the Commission.]

^{*/} There have been a number of suggestions on the format of the document on the Preparatory Commission which should be further explored. It was proposed that provisions on the Commission could be contained in

- a resolution of the United Nations General Assembly commending the Convention;
- an Annex to the Convention which would enter into force before the Convention
- any other separate document (e.g. as part of the report of the CD to the United Nations General Assembly containing the draft Convention)

^{**/} The figure should be identical with the number of States provided for in the Article of the Convention dealing with ratification and entry into force.

"7. The Commission shall have the following functions:

"(a) make arrangements for the first meeting of the Consultative Committee, including the preparation of a provisional agenda and draft rules of procedure [and choosing the site for the first meeting of the Consultative Committee];

"(b) make [studies, reports and] recommendations for the first meeting of the Consultative Committee on subjects of concern requiring immediate action, including

"(i) the financing of the activities for which the Consultative Committee is responsible;

"(ii) [the programme of work and] the budget for the first year of the activities of the Consultative Committee;

"(iii) the establishment of the Technical Secretariat;

"(iv) the location of the permanent offices of the Consultative Committee.

"[8. In the exercise of its functions, the Commission may have recourse, as appropriate, to the services of appropriate international organizations [within the United Nations system].]

"9. The Commission shall report on its activities to the first meeting of the Consultative Committee.

"Report of the Chairman of Working Group C to
the Ad Hoc Committee on Chemical Weapons
dated 16 April 1984"

"The Working Group held five meetings from 23 March to 16 April 1984.

The Chairman also conducted a number of consultations with delegations. Proceeding from the mandate of the Ad Hoc Committee on Chemical Weapons (CD/440) and on the basis of existing material and new proposals made by delegations, the Working Group dealt with Elements concerning Compliance to be included in a convention on the prohibition of chemical weapons and on their destruction. In particular the Working Group considered:

- "I. National Implementation Measures
- "II. Consultation and Co-operation
- "III. Fact-finding
- "IV. On-site Inspection by Challenge

"The Annex to this report contains preliminary formulations of individual provisions for the above-mentioned Elements as well as indications of where differences lie, as a departure for further work.

"IV. On-site inspection by challenge ^{*/}

"1. [Each State Party to the Convention] [An understanding that each State Party to the Convention] may at any time submit a [motivated/substantiated] request to the Consultative Committee or its appropriate subsidiary body to carry out an on-site inspection to clarify and resolve any situation which may give cause to doubt about compliance with the Convention, or which gives rise to concerns about a related situation which may be considered ambiguous.

"2. Upon receipt of a request from a State Party for an on-site inspection, the Consultative Committee or its appropriate subsidiary organ shall as soon as possible and in any case within ... day(s) conduct a prima facie assessment of the request. If the Consultative Committee or its appropriate subsidiary organ concludes that the request contains objective and concrete elements supporting a suspicion of non-compliance with the Convention, it shall forward [the request] [its decision] to the State Party in question.

"3. Such a [request] [mandatory decision] for an on-site inspection by the Consultative Committee or its appropriate subsidiary organ shall be treated favourably and in good faith by the State Party which receives it.

"4. A report on the on-site inspection shall be transmitted to the Consultative Committee within ...

"5. A refusal by a State Party to agree to an on-site inspection shall be [well-founded and] accompanied by the submission of a prompt, factual and exhaustive explanation of its reasons [and shall be made only for the most exceptional reasons].

"The Consultative Committee or its subsidiary organ shall assess the explanation submitted and may [send another request] [cancel or confirm the decision], taking into account all relevant elements, including possible new elements received by the Consultative Committee after the original request.

"[A refusal to accept a challenge on-site inspection would, as a first step, automatically require the challenged party to propose within ... days of such a refusal, some alternative on-site inspection measures which could establish beyond reasonable doubt whether or not a case of non-compliance had occurred.]

"*/ The decision-making procedure of the Consultative Committee will be dealt with in the Element on the Consultative Committee.

"6. [If a second request is refused, the State Party which originated the request may have recourse to appropriate procedures under the Charter of the United Nations.] [This provision is without prejudice of any other relevant provisions of the Charter of the United Nations.*/]

"[If the decision is not complied with, the Secretary-General of the United Nations will be requested to have recourse to appropriate procedures under the Charter of the United Nations, on behalf of all Parties to the Convention.]

"[Nothing in the Convention shall be interpreted as in any way limiting or detracting from the rights and obligations assumed by any State under the Charter of the United Nations.]

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- "*/ - Some delegations deemed that mention of the procedures under the United Nations Charter is not necessary.
- Other delegations proposed to include into the Convention special provisions concerning a complaints procedure with the United Nations Security Council.

"ANNEX III

"This Annex contains proposals introduced by delegations as formulated and presented in Conference documents. At appropriate places in Annex I reference is made to this Annex.

COMMITTEE ON DISARMAMENT

CD/294
CD/CW/WP.35
21 July 1982

ENGLISH
Original: RUSSIAN

"Basic provisions of a convention on the prohibition of the
development, production and stockpiling of chemical weapons
and on their destruction

"Proposal of the USSR

"Chemical weapons are a barbaric means of destruction. Such weapons have already taken tens of thousands of lives and have maimed millions of people. At present, the threat of massive use of much more horrible types of chemical weapons is looming over mankind.

"The world's peoples are demanding that this should be prevented and that the very possibility of the use of chemical weapons should be ruled out by prohibiting their production and destroying accumulated stockpiles.

"The Soviet Union is strongly in favour of this. True to the humane purposes of the Geneva Protocol of 1925, the USSR has never used chemical weapons anywhere and has never transferred them to anyone.

"Motivated by the desire to achieve a comprehensive and effective prohibition of chemical weapons, the Soviet Union is submitting to the States Members of the United Nations for their consideration the following basic provisions of a convention on the subject.

"I. SCOPE OF THE PROHIBITION

"General provisions

"Each State Party to the Convention undertakes never, under any circumstances, to develop, produce, otherwise acquire, stockpile, retain or transfer chemical weapons and undertakes to destroy or divert to permitted purposes the accumulated stocks of such weapons and to destroy or dismantle facilities which provide capacities for the production of chemical weapons.

"Definition of chemical weapons

"For the purposes of the Convention "chemical weapons" means:

"(a) Super-toxic lethal chemicals, other lethal and harmful chemicals, and their precursors, except those intended for non-hostile purposes or for military purposes not connected with the use of chemical weapons, in types and quantities consistent with such purposes;

"(b) Munitions or devices specifically designed to cause death or other harm through the toxic properties of the chemicals released as a result of the

/...

employment of such munitions or devices, including those with binary or multicomponent charges;

"(c) Equipment specifically designed for use directly in connexion with the employment of such munitions or devices.

"Other definitions

"For the purposes of the Convention:

"1. The definitions of the terms "super-toxic lethal chemical", "other lethal chemical" and "harmful chemical" shall be based on specific criteria of toxicity (lethality and/or harmfulness) for each of these categories of chemicals (shall be specified in the Convention on the basis of the levels agreed upon in the Committee on Disarmament).

"2. "Permitted purposes" means non-hostile purposes and military purposes not connected with the use of chemical weapons.

"3. "Non-hostile purposes" means industrial, agricultural, research, medical or other peaceful purposes, law-enforcement purposes or purposes directly connected with protection against chemical weapons.

"4. Such terms as "a chemical", "an incapacitant", "an irritant", "a precursor", "capacity" and "a facility" are also subject to definition in the Convention.

" Prohibition of transfer

"Each State Party to the Convention undertakes:

"(a) Not to transfer to anyone, directly or indirectly, any chemical weapons;

"(b) Not to transfer any super-toxic lethal chemicals, incapacitants or irritants, or their precursors to anyone, directly or indirectly, even for permitted purposes, except to another State Party;

"(c) Not to assist anyone, or to encourage or induce anyone, directly or indirectly, to engage in activities prohibited by the Convention.

" Non-stationing

"Each State Party to the Convention undertakes not to station chemical weapons, including binary and multicomponent weapons, in the territories of other States and also undertakes to recall all its chemical weapons from the territories of foreign States if they were stationed there earlier (dates for the fulfilment of this obligation shall be specified in the Convention).

"Destruction or diversion of stocks of chemical weapons

" 1. Each State Party to the Convention undertakes to destroy its accumulated stocks of chemical weapons or divert them to non-hostile purposes in quantities consistent with such purposes.

" 2. The destruction or diversion of stocks of chemical weapons shall be begun by each State Party not later than 2 years, and completed not later than 10 years, after the State has become a Party to the Convention.

" The first operations for destruction may, as a display of goodwill be carried out by each State Party possessing chemical weapons as early as the initial stage of the functioning of the Convention.

"Elimination or temporary conversion of facilities which provide capacities for the production of chemical weapons

" 1. Each State Party undertakes to eliminate or dismantle facilities which provide capacities for the production of chemical weapons.

" 2. Operations for eliminating or dismantling facilities which provide capacities for the production of chemical weapons shall be begun not later than 8 years, and completed not later than 10 years, after a State becomes a Party to the Convention.

" 3. Any State Party to the Convention shall have the right, for the purposes of destroying stocks of chemical weapons, to convert temporarily facilities previously used for the production of such weapons and also to carry out the destruction of stocks of chemical weapons at a specialized facility or facilities built for such purposes.

"Permitted activities

" 1. Each State Party to the Convention shall have the right to retain, produce, acquire or use for permitted purposes any toxic chemicals and their precursors, in types and quantities consistent with such purposes.

" 2. The aggregate quantity of super-toxic lethal chemicals for permitted purposes which are produced, diverted from stocks or otherwise acquired annually or are available shall at any time be minimal and shall not, in any case, exceed one metric ton for any State Party to the Convention.

" 3. Each State Party which produces super-toxic lethal chemicals for permitted purposes shall concentrate such production at a single specialized facility, of appropriate capacity which shall be subject to special agreement.

"Protection of the population and the environment"

"In fulfilling its obligations connected with the destruction or diversion of stocks of chemical weapons and the elimination of means of their production, each State Party shall take all necessary precautions for the protection of the population and the environment.

"Promotion of development goals"

"The Convention shall facilitate the creation of favourable conditions for the economic and technical development of the Parties and for international co-operation in the field of peaceful chemical activities. The possibility of interference with areas of activity unrelated to the purposes of the Convention shall be precluded.

" II. DECLARATIONS AND CONFIDENCE-BUILDING MEASURES

"1. Each State Party to the Convention undertakes not later than 30 days after the Convention's entry into force or the State Party's accession to it, to declare:

- Whether or not it possesses chemical weapons and capacities for their production;
- The magnitude of its accumulated stocks of chemical weapons and capacities for their production;
- The volume of transfers to anyone of chemical weapons, of technological equipment for their production, and of relevant technical documentation which took place after 1 January 1946;
- Whether or not there exist in its territory stocks of chemical weapons, and in what quantities, or facilities for the production of chemical weapons, and with what capacities, which are under the control of, or have been left by, any other State, group of States, organization or private person.

"2. Each State Party shall, not later than 30 days after the Convention's entry into force or the State Party's accession to it, declare that it has ceased all activities relating to the production of chemical weapons or the transfer to anyone of such weapons, of technological equipment for their production and of relevant technical documentation.

"3. Each State Party undertakes to declare, not later than 6 months after the Convention's entry into force or the State Party's accession to it, its plan for the destruction or diversion to permitted purposes of stocks of chemical weapons, and to declare, not later than one year before the commencement of the destruction or dismantling of facilities which provide capacities for producing chemical weapons, its plans for their destruction and dismantling, stating the location of the facilities.

"4. Each State Party which carries out the destruction of stocks of chemical weapons at a facility (facilities) temporarily converted for such purposes or at a specialized facility shall declare the location of the said facility (facilities) within the time period provided for in the plan for the destruction of the said stocks.

"5. Each State Party which carries out the production of super-toxic lethal chemicals for permitted purposes at a specialized facility shall declare its location before the date of the commencement of the facility's operation.

"6. Each State Party shall undertake:

"(a) To submit periodic notifications concerning the implementation of the plan for the destruction or diversion to permitted purposes of the available stocks of chemical weapons and of the plan for the destruction or dismantling of facilities which provide capacities for the production of chemical weapons. Where such operations are carried out earlier than provided for in the plan, the State Party shall submit appropriate notification;

"(b) To submit appropriate notifications three months before the initiation of the implementation of each stage of the plan for the destruction or diversion to permitted purposes of stocks of chemical weapons and of each stage of the plan for the destruction or dismantling of facilities which provide capacities for the production of chemical weapons; the location of the facility to be destroyed or dismantled shall be stated in the appropriate notification;

"(c) To submit, not later than 30 days after the destruction or diversion of stocks of chemical weapons and after the destruction or dismantling of facilities which provide capacities for the production of chemical weapons, appropriate statements to that effect.

"7. Each State Party shall undertake to submit annual declarations concerning the following substances produced, diverted from stocks acquired or used:

- Super-toxic lethal, other lethal and harmful chemicals for purposes directly connected with protection against chemical weapons;
- Super-toxic lethal chemicals for industrial, agricultural, research, medical or other peaceful purposes and for military purposes not connected with the use of chemical weapons;
- Other lethal and harmful chemicals for industrial, agricultural, research, medical or other peaceful purposes and irritants for purposes of law enforcement.

"8. States Parties shall proceed from the assumption that chemicals and precursors produced, acquired, retained and used for permitted purposes, when they represent a special danger from the viewpoint of their possible diversion to purposes connected with the use of chemical weapons, must be included in appropriate lists. Each State Party shall undertake to present annually information on the chemicals and precursors of chemicals included in those lists.

"9. Each State Party shall undertake to submit notifications concerning each of its transfers to any other State Party, where not prohibited by the Convention, of super-toxic lethal chemicals, incapacitants and irritants and of other chemicals which could be used as components for chemical weapons with binary or multicomponent charges.

"10. The above-mentioned declarations, plans, notifications and statements shall be submitted to the Consultative Committee of States Parties to the Convention. Their contents and the procedure for drawing up the required lists are to be defined in the Convention.

"III. ENSURING COMPLIANCE WITH THE CONVENTION

General provisions on verification

"1. States Parties to the Convention shall base their activities relating to the verification of compliance with the provisions of the Convention on a combination of national and international measures.

"2. Each State Party to the Convention undertakes to take any internal measures it considers necessary in accordance with its constitutional processes to prohibit and prevent any activity under its jurisdiction or control that is in violation of the provisions of the Convention.

"3. To monitor the fulfilment of obligations provided for in the Convention, any State Party may establish a Committee of National Verification (a national verification organization) which is vested with the necessary juridical rights and whose composition, functions and methods of work shall be determined by the State Party to the Convention in accordance with its constitutional norms.

"4. For the purpose of providing assurance of compliance with the provisions of the Convention by other States Parties, any State Party shall have the right to use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.

"Any State Party which possesses national technical means of verification may, where necessary, place at the disposal of other Parties information which it has obtained through those means and which is important for the purposes of the Convention.

"5. Each State Party shall undertake not to impede, through the use of deliberate concealment measures or in any other manner, the national technical means of verification of other States Parties.

"6. International measures of verification shall be carried out through international procedures within the framework of the United Nations, in accordance with its Charter, and through consultations and co-operation between States Parties, as well as through the services of the Consultative Committee of States Parties to the Convention.

/...

" Consultation and co-operation

"1. The States Parties undertake to consult one another and co-operate in solving any problems which may arise in relation to the objectives of the Convention or in connexion with the application of its provisions.

"2. The States Parties shall exchange, bilaterally or through the Consultative Committee, information which they consider necessary to provide assurance of fulfilment of the obligations assumed under the Convention.

"3. Consultation and co-operation may also be undertaken through appropriate international procedures within the framework of the United Nations, in accordance with its Charter. Such procedures may include the use of the services of appropriate international organizations in addition to those of the Consultative Committee.

"4. In the interests of enhancing the effectiveness of the Convention, the States Parties shall agree in due form to prevent any actions aimed at deliberately falsifying the actual state of affairs with regard to compliance with the Convention by other States Parties.

" Consultative Committee of States Parties to the Convention

"1. For the purpose of carrying out broader international consultation and co-operation, exchanging information and promoting verification in the interests of compliance with the provisions of the Convention, the States Parties shall establish a Consultative Committee within 30 days after the Convention's entry into force. Any State Party shall have the right to appoint its representative to the Committee.

"2. The Consultative Committee shall be convened as necessary and also at the request of any State Party to the Convention within 30 days after the request is received.

"3. Other questions relating to the organization and procedures of the Consultative Committee, its possible subsidiary bodies, their functions, rights, duties and methods of work, its role in on-site inspections, forms of co-operation with national verification organizations and other matters are to be elaborated.

"Fact-finding procedure relating to compliance with the Convention. On-site inspections

"1. Each State Party shall have the right to request, bilaterally or through the Consultative Committee, from another Party which is suspected of violating the Convention information on the actual state of affairs. The State to which the request is sent shall provide the requesting State Party with information in connexion with the request.

/...

"2. Each State Party may, bilaterally or through the Consultative Committee, send to another State Party which is suspected of violating the Convention a request for an on-site inspection. Such request may be sent after the possibilities of fact-finding within the framework of paragraph 1 of this section have been exhausted and shall contain all relevant information and all possible evidence supporting the validity of the request.

"Requests may, in particular, be sent in connexion with notifications concerning the destruction of accumulated stocks of chemical weapons and concerning the destruction and dismantling of facilities which provide capacities for the production of chemical weapons. The State Party to which such a request is sent may treat the request favourably or decide otherwise. It shall inform the requesting State Party in good time about its decision, and if it is not prepared to agree to an inspection, it shall give appropriate and sufficiently convincing explanations.

"3. Within the period of destruction or diversion to permitted purposes of the stocks of chemical weapons, a possibility of carrying out systematic international on-site inspections (for example, on the basis of an agreed quota) of the destruction of stocks at a converted or specialized facility (facilities) shall be provided for.

"4. The Convention shall provide for the possibility of carrying out international on-site inspections (for example, on the basis of an agreed quota) of the production of super-toxic lethal chemicals for permitted purposes at a specified facility.

" Procedure for lodging complaints with the United Nations
Security Council. Provision of assistance

"1. Any State Party which has reason to believe that any other State Party has acted or may be acting in violation of obligations deriving from the provisions of the Convention shall have the right to lodge a complaint with the United Nations Security Council. Such complaint shall include all relevant information and all possible evidence supporting the validity of the complaint.

"2. Each State Party undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Security Council. The Security Council shall inform the States Parties of the results of the investigation.

"3. Each State Party to the Convention undertakes to provide assistance or support assistance being provided, in accordance with the provisions of the Charter of the United Nations, to any State Party which requests it if the Security Council decides that such Party has been exposed or is possibly being exposed to danger as a result of the violation by another State Party of obligations assumed under this Convention.

/...

"Relationship with the Geneva Protocol of 1925

"Nothing in this Convention shall be interpreted as in any way limiting, or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, or under the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.

" IV. CONCLUDING PROVISIONS OF THE CONVENTION

"Provision shall be made for a procedure for the signing of the Convention, its ratification and entry into force, arrangements relating to a depositary, as procedure for the accession of States to the Convention and withdrawal from it, machinery for amendments to the Convention, dates for holding conferences to review its implementation and the status of such conferences.

CONFERENCE ON DISARMAMENT

CD/500
18 April 1984
Original: ENGLISH

"UNITED STATES OF AMERICA

"DRAFT CONVENTION ON THE PROHIBITION OF CHEMICAL WEAPONS

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"CONVENTION ON THE PROHIBITION OF CHEMICAL WEAPONS

The States Parties to this Convention,

"Reaffirming their adherence to the objective of general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction,

"Desiring to contribute to the realization of the purposes and principles of the United Nations, as set forth in its Charter,

"Recalling the significance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and also of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at Washington, London and Moscow on 10 April 1972, and calling upon all States to comply strictly with the said agreements,

"Determined, for the sake of all mankind, to exclude completely the possibility of toxic chemicals being used as weapons,

"Convinced that such use would be repugnant to the conscience of mankind and that no effort should be spared to minimize this risk,

"Considering that achievements in the field of chemistry should be used exclusively for the benefit of mankind,

"Convinced that the complete and effective prohibition of the development, production and stockpiling of chemical weapons, and their destruction, represents a necessary step towards the achievement of these common objectives,

"Fulfilling the commitment under Article IX of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction with regard to the effective prohibition of chemical weapons,

"Have agreed as follows:

"Article I

"Basic Prohibition

"Each Party undertakes not to:

"(a) develop, produce, otherwise acquire, stockpile, or retain chemical weapons, or transfer chemical weapons to anyone;

"(b) conduct other activities in preparation for use of chemical weapons;

"(c) use chemical weapons in any armed conflict; or

"(d) assist, encourage, or induce, directly or indirectly, anyone to engage in activities prohibited to Parties under this Convention.

"Article II

"Definitions

"For the purposes of this Convention:

"1. "Chemical weapons" means,

"(a) super-toxic lethal, other lethal, and other harmful chemicals, and their precursors, except for those chemicals intended solely for permitted purposes as long as the types and quantities involved are consistent with such purposes and except for those chemicals which are not super-toxic lethal, or other lethal, chemicals and which are used by a Party for domestic law-enforcement and riot control purposes or used as a herbicide; or

"(b) munitions or devices specifically designed to cause death or other harm through the toxic properties of any chemical which is defined as a chemical weapon under subparagraph (a) of this paragraph and which would be released as a result of the employment of such munitions and devices; or

"(c) any equipment or chemical specifically designed for use directly in connection with the employment of such munitions or devices.

"2. "Super-toxic lethal chemical" means any toxic chemical with a median lethal dose which is less than or equal to (0.5) mg/kg (subcutaneous administration) or (2,000) mg-min/m³ (by inhalation), when measured by the standard methods specified in Schedule D.

"3. "Other lethal chemical" means any toxic chemical with a median lethal dose which is greater than (0.5) mg/kg (subcutaneous administration) or (2,000) mg-min/m³ (by inhalation) and which is less than or equal to 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m³ (by inhalation), when measured by the standard methods specified in Schedule D.

"4. "Other harmful chemical" means any toxic chemical not covered under the terms "super-toxic lethal chemical" or "other lethal chemical", including chemicals which normally cause incapacitation rather than death.

"5. "Toxic chemical" means any chemical substance, regardless of its origin or method of production, which through its chemical action can interfere directly with normal functioning of man or animals so as to cause death, temporary incapacitation or permanent damage.

"6. "Precursor" means any chemical which may be used in production of a super-toxic lethal chemical, other lethal chemical, or other harmful chemical.

"7. "Key precursor" means any precursor that is listed in Schedule C.

"8. "Permitted purposes" means industrial, agricultural, research, medical or other peaceful purposes; protective purposes; and military purposes that do not make use of the chemical action of a toxic chemical to interfere directly with normal functioning of man and animals so as to cause death, temporary incapacitation or permanent damage.

"9. "Protective purposes" means purposes directly related to protection against chemical weapons, but does not mean purposes directly related to the development, production, other acquisition, stockpiling, retention or transfer of chemical weapons.

"10. "Chemical weapons production facility" means any building or any equipment which in any degree was designed, constructed or used since 1 January 1946, for:

"(a) the production for chemical weapons of any toxic chemical, except for those listed in Schedule B, or the production for chemical weapons of any key precursor; or

"(b) the filling of chemical weapons.

"11. "Other activities in preparation for use of chemical weapons" means (to be elaborated), but does not mean activities directly related to protective purposes.

"Article III

"Permitted Activities

"1. Subject to the limitations contained in this Convention, each Party may retain, produce, acquire, transfer or use toxic chemicals, and their precursors, for permitted purposes, of types and in quantities consistent with such purposes.

"2. The following measures shall apply to toxic chemicals for protective purposes:

"(a) The retention, production, acquisition, and use of super-toxic lethal chemicals and key precursors for protective purposes shall be strictly limited to those amounts which can be justified for such purposes. At no time shall the aggregate amount possessed by a Party exceed one metric ton, nor shall the aggregate amount acquired by a Party in any calendar year through production, withdrawal from chemical weapons stocks, and transfer exceed one metric ton. Once a Party has reached the aggregate one metric ton permitted per year, it must not acquire any further such super-toxic lethal chemicals until the next year, at which time it may then acquire only those amounts of such chemicals to replace amounts used or transferred to another Party for protective purposes.

"(b) Each Party which produces super-toxic lethal chemicals or key precursors for protective purposes shall carry out the production at a single specialized facility, the capacity of which shall not exceed (an agreed limit). Information on the facility and its operations shall be provided in accordance with Annex II. The facility shall be subject to systematic international on-site verification, through on-site inspection and continuous monitoring with on-site instruments in accordance with Annex II.

"(c) Each Party shall, in accordance with Annex II, make an annual declaration regarding all key precursors devoted to protective purposes and all toxic chemicals that can be used as chemical weapons but are devoted to protective purposes, as well as provide other specified information on its protective activities.

"(d) The provisions of the Convention do not preclude transfer for protective purposes of super-toxic lethal chemicals or key precursors produced or otherwise acquired for such purposes. Such transfers may be made only to another Party. The maximum quantity transferred to any Party shall not exceed (quantity) in any 12-month period, nor shall it cause the receiving Party to exceed the aggregate limit specified in subparagraph 2 (e) of this Article. Prior to any transfer of such a super-toxic lethal chemical or key precursor, the transferring Party shall provide the information specified in Annex II. Items transferred may not be retransferred to another State.

"3. In view of the particular risk they pose to achieving the objectives of the Convention, the chemicals listed in Schedules A, B and C shall be subject to the special measures specified in Annex III.

"(a) In respect of chemicals in Schedule A, each Party shall prohibit all production and use except for production and use of laboratory quantities for research, medical, or protective purposes at establishments approved by the Party; and

"(b) Facilities producing chemicals listed in Schedule C for permitted purposes shall be subject to systematic international on-site verification, through on-site inspection and monitoring with on-site instruments, as specified in Annex II.

"4. A Party in a position to do so may assist another Party in destruction of chemical weapons, including shipment of chemical weapons to its territory for the purpose of destroying them, or in destruction of chemical weapons production facilities.

"5. This Convention shall be implemented in a manner designed in so far as possible to avoid hampering the economic or technological activities of Parties to the Convention or international co-operation in the field of peaceful chemical activities including the international exchange of toxic chemicals and equipment for the production, processing, or use of toxic chemicals for peaceful purposes in accordance with the provisions of the Convention.

"Article IV

"Declaration of Chemical Weapons, Chemical Weapons Production Facilities and Past Transfers

"1. Each Party shall file a declaration, within 30 days after the Convention enters into force for it, stating whether it has under its control anywhere, any chemical weapons, any chemical weapons production facility, any super-toxic lethal chemicals or key precursors for protective purposes, or any production facility for super-toxic lethal chemicals and key precursors for protective purposes. The declaration shall also state whether the Party has on its territory, under the control of others, including a State not party to this Convention, any of the foregoing and their locations.

"2. The declaration filed by each Party shall comply with the requirements of Annex II and shall state:

"(a) the precise location of any chemical weapons under its control and the detailed inventory of the chemical weapons at each location;

"(b) its general plans for destruction of any chemical weapons under its control;

"(c) the precise location, nature, and capacity of any chemical weapons production facility under its control at any time since 1. January 1946;

"(d) its plans for closing and eventually destroying any chemical weapons production facilities under its control;

"(e) the precise location and capacity of the single specialized production facility, if any, for super-toxic lethal chemicals and key precursors permitted by subparagraph 2 (b) of Article III;

"(f) the precise location and nature of any other facility under its control designed, constructed or used, since (date) for the production of chemicals listed in Schedules B and C;

"(g) the precise location and nature of any facility under its control designed, constructed, or used since (date), for development of chemical weapons, including test and evaluation sites; and

"(h) whether the Party has transferred control of chemical weapons or equipment for their production since (date) or has received such weapons or equipment since that date. If so, specific information shall be provided in accordance with Annex II.

"Article V

"Chemical Weapons

"1. Each Party shall, in accordance with Annex II:

"(a) provide information on the location and composition of any chemical weapons, pursuant to Article IV;

"(b) provide a general plan for destroying its chemical weapons, pursuant to Article IV and, subsequently, provide more detailed plans;

"(c) ensure access to its chemical weapons immediately after the declaration is filed, for the purpose of systematic international on-site verification of the declaration, through on-site inspection;

"(d) ensure, through access to its chemical weapons for the purpose of systematic international on-site verification, and through on-site inspection and continuous monitoring with on-site instruments, that the chemical weapons are not removed except to a destruction facility;

"(e) destroy its chemical weapons, pursuant to the time-table specified in Annex II, beginning not later than 12 months, and finishing not later than 10 years, after the Convention enters into force for it;

"(f) provide access to the destruction process for the purpose of systematic international on-site verification of destruction, through the continuous presence of inspectors and continuous monitoring with on-site instruments;

"(g) provide information annually during the destruction process regarding implementation of its plan for destruction of chemical weapons; and

"(h) certify, not later than 30 days after the destruction process has been completed, that its chemical weapons have been destroyed.

"2. All locations where chemical weapons are stored or destroyed shall be subject to systematic international on-site verification, through on-site inspection and monitoring with on-site instruments in accordance with Annex II.

"3. Old chemical weapons found after the declarations required by Article IV and this Article have been filed shall be subject to the provisions of Annex II regarding notification, interim storage, and destruction, as well as systematic international on-site verification of these actions. These provisions shall also apply to chemical weapons which were inadequately disposed of in the past and are subsequently retrieved. A detailed explanation shall be given as to why these chemical weapons were not declared in the declarations filed pursuant to Article IV and this Article.

"4. Any Party which has on its territory chemical weapons which are under the control of a State which is not a Party to this Convention shall ensure that such weapons are removed from its territory not later than () months after the date on which the Convention entered into force for it.

"Article VI

"Chemical Weapons Production Facilities

"1. Each Party shall, in accordance with Annex II,

"(a) cease immediately all activity at each of its chemical weapons production facilities, except that required for closure;

"(b) close each of its chemical weapons production facilities within three months after the Convention enters into force for it in a manner that will render those facilities inoperable;

"(c) provide information on the location, nature and capacity of any chemical weapons production facility, pursuant to Article IV;

"(d) provide a general plan for destroying its chemical weapons production facilities, pursuant to Article IV and, subsequently, provide more detailed plans;

"(e) provide access to each chemical weapons production facility immediately after the declaration is filed, for the purpose of systematic international on-site verification of the declaration through on-site inspection;

"(f) provide access to each chemical weapons production facility for the purpose of systematic international on-site verification to ensure that the facility remains closed and is eventually destroyed, through periodic on-site inspection and continuous monitoring by on-site instruments;

"(g) destroy its chemical weapons production facilities, pursuant to the time-table specified in Annex II, beginning not later than 12 months, and finishing not later than 10 years, after the Convention enters into force for it;

"(h) provide information annually during the destruction period regarding the implementation of its plan for destruction of chemical weapons production facilities; and

"(i) certify, not later than 30 days after the destruction process has been completed, that its chemical weapons production facilities have been destroyed.

"2. All chemical weapons production facilities shall be subject to systematic international on-site verification, through on-site inspection and monitoring with on-site instruments in accordance with Annex II.

"3. No Party shall construct any new chemical weapons production facilities, or modify any existing facilities, for purposes prohibited by the Convention.

"4. A chemical weapons production facility may be temporarily converted for destruction of chemical weapons. Such a converted facility must be destroyed as soon as it is no longer in use for destruction of chemical weapons and, in any case, not later than the deadline for destruction of chemical weapons production facilities set forth in subparagraph 1 (g) of this Article.

"Article VII

"Consultative Committee

"1. A Consultative Committee shall be established upon entry into force of this Convention. Each Party shall be entitled to designate a representative to the Consultative Committee.

"2. The Consultative Committee shall oversee the implementation of the Convention, promote the verification of compliance with the Convention, and carry out international consultations and co-operation among Parties to the Convention. For these purposes it shall:

"(a) carry out systematic international on-site verification, through on-site inspection and monitoring with on-site instruments, of:

"(i) chemical weapons,

"(ii) destruction of chemical weapons,

"(iii) closure and destruction of chemical weapons production facilities,

"(iv) permitted single specialized facilities for production of super-toxic lethal chemicals and key precursors for protective purposes, and

"(v) production for permitted purposes of the chemicals specified in Schedule C;

"(b) provide a forum for discussion of any questions raised relating to the objectives, or the implementation, of the Convention;

"(c) conduct special on-site inspections under Article X and ad hoc on-site inspections under Article XI;

"(d) participate in any inspections agreed among two or more Parties as referred to in paragraph 2 of Article IX, if requested to do so by one of the Parties involved;

"(e) develop, and revise as necessary, detailed procedures for exchange of information, for declarations and for technical matters related to the implementation of the Convention;

"(f) review scientific and technical developments which could affect the operation of the Convention;

"(g) meet in regular session annually; and

"(h) review the operation of the Convention at five-year intervals unless otherwise agreed by a majority of the Parties.

"3. The Consultative Committee shall establish an Executive Council which shall have delegated authority to discharge the functions of the Committee set out in subparagraphs 2 (a), 2 (c), 2 (d) and 2 (e) of this Article, and any other functions which the Committee may from time to time delegate to it. The Council shall report to the Committee at its regular sessions on its exercise of these functions.

"4. Each Party shall co-operate fully with the Consultative Committee in the exercise of its verification responsibilities.

"5. Further functions and the organization of the Consultative Committee, the Executive Council, the Fact-Finding Panel, the Technical Secretariat and other subsidiary organs are specified in Annex I.

"Article VIII

"Non-Interference with Verification

"A Party shall not interfere with the conduct of verification activities. This shall apply to verification activities conducted in accordance with the Convention by the designated representatives of the Consultative Committee or by Parties, and shall include verification activities conducted by national technical means in a manner consistent with generally recognized principles of international law.

"Article IX

"Consultation and Co-operation; Resolving Compliance Issues

"1. Parties shall consult and co-operate, directly among themselves, or through the Consultative Committee or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the objectives or the implementation of the provisions of this Convention.

"2. Parties shall make every possible effort to clarify and resolve, through bilateral consultation, any matter which may cause doubts about compliance with this Convention or which gives rise to concerns about a related matter which may be considered ambiguous. A Party which receives a request from another Party for clarification of any matter which the requesting Party believes causes such doubts or concerns shall provide the requesting Party, within seven days of the request, with information sufficient to answer the doubts or concerns raised along with an explanation of how the information provided resolves the matter. Nothing in this Convention affects the right of any two or more Parties to arrange by mutual consent for inspections among themselves to clarify and resolve any matter which may cause doubts about compliance or gives rise to concerns about a related matter which may be considered ambiguous. Such arrangements shall not affect the rights and obligations of any Party under other provisions of this Convention.

"3. In order to facilitate satisfactory resolution of matters raised, the Parties concerned may request the assistance of the Consultative Committee or its subsidiary organs. Any Party may request the Executive Council to conduct fact-finding procedures with regard to the Party's own activities or the activities of another Party in order to clarify and resolve any matter which may cause doubts about compliance with the Convention or gives rise to concerns about a related matter which may be considered ambiguous.

"(a) Requests sent to the Executive Council under this Article shall state the doubts or concerns, the specific reasons for the doubts or concerns, and the action that the Council is being requested to undertake.

"(b) Within two days of receipt of such a request, the Technical Secretariat shall, on behalf of the Council, request the Party whose activities create the doubts or concerns to clarify the state of affairs.

"(c) If the doubts or concerns which gave rise to the request have not been resolved within 10 days of the receipt of the request by the Council, its Fact-Finding Panel shall immediately initiate a fact-finding inquiry, and transmit to the Chairman of the Council a report on its work, whether interim or final, within two months of the date of the request. Reports of the Panel shall include all views and information presented during its proceedings.

"(d) All requests for special on-site inspections shall be governed by Article X and all requests for ad hoc on-site inspections by Article XI.

"4. Any Party whose doubts or concerns about compliance have not been resolved within two months or any Party which has doubts or concerns it believes warrant urgent consideration by all Parties regarding compliance or regarding other matters directly related to the objectives of the Convention may request the Chairman of the Consultative Committee to convene a special meeting of the Committee. The Chairman of the Committee shall convene such a meeting as soon as possible and in any case within one month of the receipt of the request. Each Party may participate in such a meeting, whose functions and rules of procedures are established in Annex I.

"5. All Parties shall co-operate fully with the Consultative Committee and its subsidiary organs, as well as with international organizations, which may, as appropriate, give scientific, technical and administrative support in order to facilitate fact-finding activities and thereby help to ensure the speedy resolution of the matter which gave rise to the original request.

"6. The Executive Council shall promptly notify all Parties of the initiation of any fact-finding procedures and shall provide all available information related thereto to any Party upon request. All Parties shall also be promptly notified of the refusal by a Party of any request made by the Committee or its subsidiary organs as part of a fact-finding inquiry. All reports regarding the fact-finding activities conducted under this Article, as well as on-site inspections under Articles X and XI shall be distributed promptly to all Parties.

"7. The provisions of this Article shall not be interpreted as affecting the rights and duties of Parties under Articles X and XI or under the Charter of the United Nations.

"Article X

"Special On-Site Inspection

"1. In accordance with the provisions of this Article and Annex II, each member of the Fact-Finding Panel shall have the right to request at any time a special on-site inspection of any other Party, through the Technical Secretariat, to clarify and resolve any matter which may cause doubts about compliance or give rise to concerns about a related matter which may be considered ambiguous, of:

"(a) any location or facility subject to systematic international on-site inspection pursuant to Articles III, V and VI; or

"(b) any military location or facility, any other location or facility owned by the Government of a Party, and as set forth in Annex II, locations or facilities controlled by the Government of a Party.

"2. A request shall be handled in the following manner:

"(a) Within 24 hours of the request, the Technical Secretariat shall notify the Party to be inspected and designate an inspection team in accordance with paragraph 4 of this Article; and

"(b) Within 24 hours after the receipt of such notification, the Party to be inspected shall provide the inspection team unimpeded access to the location or facility.

"3. Each Party may solicit from any member of the Fact-Finding Panel a request for an inspection of any other Party under this Article.

"4. Any special on-site inspection requested through the Technical Secretariat shall be carried out by inspectors designated from among the full-time inspectors of the Secretariat. Each inspection team shall consist of one inspector from each member State of the Fact-Finding Panel, except that if the Party to be inspected is a member State of the Panel, the team shall not include any inspector from that State. The team shall promptly provide a written report to the requesting Party, the inspected Party, and the Fact-Finding Panel. Each inspector shall have the right to have his individual views included in the report.

"Article XI

"Ad Hoc On-Site Inspection

"1. In accordance with the provisions of this Article and Annex II, each Party shall have the right to request, at any time, the Consultative Committee to conduct an ad hoc on-site inspection, to clarify and resolve any matter which may cause doubts about compliance or gives rise to concerns about a related matter which may be considered ambiguous, of any location or facility not subject to Article X.

"2. A request shall be handled in the following manner:

"(a) The Fact-Finding Panel shall meet within 24 hours to determine whether to request such an ad hoc on-site inspection using the guidelines in Section H of Annex II.

"(b) If the Fact-Finding Panel decides to request an ad hoc inspection, the Party to be inspected shall, except for the most exceptional reasons, provide access within 24 hours of the Panel's request.

"(c) If the Party to be inspected refuses such a request it shall provide a full explanation of the reasons for the refusal and a detailed, concrete proposal for an alternative means of resolving the concerns which gave rise to the request. The Fact-Finding Panel shall assess the explanation and alternative submitted, and may send another request, taking into account all relevant elements, including possible new elements received by the Panel after the original request.

"(d) If the request is again rejected, the Chairman shall immediately inform the Security Council of the United Nations.

"Article XII

"Domestic Implementation Measures

"Each Party shall:

"(a) take any measures necessary in accordance with its constitutional processes to implement this Convention and, in particular, to prohibit and prevent any activity that a Party is prohibited from conducting by this Convention anywhere under its jurisdiction or control, and

"(b) inform the Consultative Committee of the measures it has taken to implement the Convention.

"Article XIII

"Assistance to Parties Endangered by Chemical Weapons

"Each Party undertakes, to the extent it deems appropriate, to render assistance to any Party to this Convention that the Security Council of the United Nations decides has been exposed to danger as a result of a violation of the Convention.

"Article XIV

"Non-Interference with Other Agreements

"1. Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, or under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at Washington, London and Moscow on 10 April 1972.

"2. Each Party to this Convention that is also a Party to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, affirms that the obligation set forth in subparagraph (c) of Article I supplements its obligations under the Protocol.

"Article XV

"Amendments

"Any Party may propose amendments to this Convention. Amendments shall enter into force for Parties ratifying or acceding to them on the thirtieth day following the deposit of instruments of ratification or accession by a majority of the Parties to the Convention and thereafter for each remaining Party on the thirtieth day following the deposit of its instrument of ratification or accession.

"Article XVI

"Duration; Withdrawal

"1. This Convention shall be of unlimited duration.

"2. Every Party to this Convention shall, in exercising its national sovereignty, have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject-matter of the Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Convention, to the Depositary and to the Security Council of the United Nations three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

"Article XVII

"Signature; Ratification; Entry into Force

"1. This Convention shall be open to all States for signature.

"2. Any State which does not sign the Convention before its entry into force in accordance with paragraph 4 of this Article may accede to it at any time.

- "3. This Convention and its Annexes, which form an integral part thereof, shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations, hereby designated as the Depositary.
- "4. This Convention shall enter into force 30 days after the date of deposit of the (fortieth) instrument of ratification.
- "5. For each State ratifying or acceding after the deposit of the (fortieth) instrument of ratification or accession, the Convention shall enter into force on the thirtieth day following the deposit of the instrument of ratification or accession.
- "6. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices. The Depositary shall immediately upon receipt transmit any notices required by this Convention to every Party.
- "7. This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

"Article XVIII

"Languages

"This Convention, the English, Arabic, Chinese, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

"DETAILED UNITED STATES VIEWS ON THE CONTENTS
OF THE ANNEXES TO THE CONVENTION */

"Annex I

"CONSULTATIVE COMMITTEE

"Provisions should be included along the following lines:

"Section A. General Provisions

- "1. The Consultative Committee established pursuant to Article VII should convene in (venue) not later than 30 days after the Convention enters into force.
- "2. The Consultative Committee should subsequently meet in regular sessions annually for the first 10 years after the Convention enters into force, and annually thereafter unless a majority of Parties agrees that a meeting is unnecessary. A special meeting may be convened at the request of any Party or of the Executive Council.
- "3. In order to assist it in carrying out its functions, the Consultative Committee should establish an Executive Council, as provided in Section B of this Annex, as well as a Fact-Finding Panel, a Technical Secretariat and such other subsidiary bodies as may be necessary for its work.
- "4. The Executive Council should be responsible for carrying out the functions of the Consultative Committee specified in paragraph 2 of Article VII during the period when the latter is not in session. In particular, it shall be responsible for the activities in paragraph 1 of Section B of this Annex.
- "5. Except as specified elsewhere, the Committee and its subordinate bodies should take decisions where possible by consensus. If consensus cannot be reached within 24 hours, a decision may be taken by a majority of those present and voting. The report on a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.
- "6. The chairman of the Committee should be chosen by the Committee itself.
- "7. The Committee should present an annual report on its activities to the Parties.
- "8. The expenses of the Committee should be met by (_____).
- "9. The question of international legal personality of the Committee and its subsidiary organs should be addressed.

"Section B. Executive Council

- "1. In carrying out its responsibilities, the Executive Council should, in particular, be responsible for:

"/ This paper presents current United States views on the contents of the annexes of a chemical weapons convention. It is subject to further modification, elaboration and refinement.

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- "(a) carrying out systematic international on-site verification;
- "(b) ensuring the implementation of, and compliance with, the Convention;
- "(c) obtaining, keeping and disseminating information submitted by Parties regarding matters pertaining to the Convention;
- "(d) rendering services to Parties and facilitating consultations among them;
- "(e) receiving requests from Parties, including requests for fact-finding;
- "(f) deciding and overseeing specific action to be taken regarding such requests;
- "(g) overseeing the activities of the other subordinate bodies of the Consultative Committee, including ensuring the proper execution of the functions of the Technical Secretariat, including the carrying out of systematic international on-site verification pursuant to Articles III, V, VI; the carrying out of special on-site inspections pursuant to Article X; and the carrying out of ad hoc on-site inspections pursuant to Article XI;
- "(h) reporting to the Consultative Committee; and
- "(i) requesting, when it deems necessary, a special meeting of the Consultative Committee.

"2. (a) The Executive Council should be established within 45 days after entry into force of the Convention and should be composed of one representative from each of not more than 15 Parties, plus a non-voting chairman.

"(b) Ten members should be elected by the Consultative Committee after nominations by the chairman based on consultation with the Parties. In selecting these members, due regard should be given to ensuring an appropriate geographic balance. These members should serve for a two-year period, with five of these members replaced each year.

"(c) In addition, those permanent members of the Security Council of the United Nations who are Parties to the Convention should be represented.

"(d) Each member may be assisted at meetings by one or more technical or other advisers.

"(e) The chairman of the Consultative Committee should serve as chairman of the Executive Council.

"Section C. Fact-Finding Panel

"1. Within 45 days after entry into force of the Convention, the Consultative Committee should establish a Fact-Finding Panel subordinate to the Executive Council, which should be responsible for conducting fact-finding inquiries pursuant to Article IX, considering reports on special on-site inspections pursuant to Article X, and overseeing ad hoc inspections pursuant to Article XI.

"2. (a) The Fact-Finding Panel should consist of diplomatic representatives of five Parties, plus a non-voting chairman.

"(b) Three Parties should be selected by the Consultative Committee by a four-fifths vote after nominations by the chairman based on consultations with Parties. These member States should serve for a six-year period, with one Party being replaced every other year. Of these three Parties, one should represent the (Western group), one the (Eastern group), and one the (neutral/non-aligned group).

"(c) In addition there should be one diplomatic representative each from the United States and the Soviet Union.

"(d) The chairman of the Executive Council should serve as chairman of the Fact-Finding Panel.

"3. (a) The Panel should convene within 10 days after receipt of a request from a Party for a fact-finding inquiry, within 24 hours after a request for an ad hoc on-site inspection pursuant to Article XI, or immediately on completion of a special on-site inspection by inspectors from the Technical Secretariat pursuant to Article X, to review the information available, conduct necessary inquiries, and make appropriate findings of fact.

"(b) The work of the Fact-Finding Panel should be organized in such a way as to permit it to perform its functions.

"(c) The Panel should transmit to the chairman of the Executive Council its findings of fact, whether interim or final, within two months of the date of the convening of the Panel. Reports of the Panel's findings should include all views and information presented during the Panel's proceedings.

"(d) Each member should have the right, through the chairman, to request from Parties and from international organizations such information and assistance as the member considers desirable for the accomplishment of the work of the Panel.

"(e) The first meeting of the Panel should be held not later than 60 days after entry into force of the Convention to agree on its organization and rules of procedure. At this meeting the chairman should submit recommendations, based on consultations with Parties and signatories.

"Section D. Technical Secretariat

"1. The Technical Secretariat should:

"(a) conduct on-site inspections pursuant to Articles III, V, VI, X, and XI;

"(b) provide the necessary administrative support to the Consultative Committee, the Executive Council, the Fact-Finding Panel and such other subsidiary bodies as may be established;

"(c) render appropriate technical assistance to Parties and to the Executive Council in implementing the provisions of the Convention, such as reviewing Schedules A, B, C, and D, developing technical procedures, and improving the effectiveness of verification methods;

"(d) receive from Parties and distribute to them data relevant to the implementation of the Convention;

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"(e) negotiate the subsidiary arrangements for systematic international on-site inspections provided for in Annex II, section B, subsection A, paragraph 3; and

"(f) assist the Executive Council on such other tasks as may be agreed.

"2. The composition of the Technical Secretariat should be elaborated by the Preparatory Commission.

"3. All inspectors should be technically qualified and acceptable to their governments.

"Section E. Special Meeting of the Consultative Committee

"1. The special meeting of the Consultative Committee provided for in Article IX should undertake to solve any problem which may be raised by the Party requesting the meeting. For this purpose, the assembled Parties should be entitled to request and receive any information which a Party is in a position to communicate.

"2. The work of the special meeting should be organized in such a way as to permit it to perform its functions.

"3. Any Party should be able to participate in the meeting. The meeting should be chaired by the chairman of the Committee.

"4. Each Party should have the right, through the chairman, to request from States and from international organizations such information and assistance as the Party considers desirable for the accomplishment of the work of the meeting.

"5. A summary of the meeting, incorporating all views and information presented during the meeting, should be prepared promptly and distributed to all Parties.

"Annex II

"VERIFICATION

"Provisions along the following lines should be included:

"Section A. Declarations

"A. General Provisions

"1. Unless otherwise stipulated, information required to be provided should be submitted to the Depositary until the Consultative Committee is established and thereafter to the Committee. The information should be provided according to a standard format, which should be specified by the Depositary, after consultation with signatories, for information submitted before establishment of the Committee, or specified by the Committee for information submitted after its establishment. The information should be made available to Parties.

"2. Locations should be specified with sufficient precision to permit unambiguous identification of sites and facilities. For this reason all locations should be specified by geographical place name and co-ordinates, as well as by any other official or commonly used designation, and should be clearly marked on maps of a suitable scale. For facilities within complexes, the exact position within the complex should be specified.

"3. The accuracy and completeness of all declarations should be subject to the procedures specified in Articles IX, X and XI. As specified in subsections B and C, declarations should also be subject to systematic international on-site verification.

"B. Contents of the declarations required by Articles IV, V and VI

"1. Chemicals should be declared by scientific chemical name, chemical structural formula, toxicity and weight. The fraction in munitions and devices should be given. Munitions and devices should be declared by type and quantity. "Specifically-designed" equipment and chemicals, referred to in Article II, subparagraph 1(c), should be declared by type and quantity.

"2. The exact location of chemical weapons within a site and form of storage (bulk, cylinder, etc.) should be declared, and storage standards should be provided.

"3. The general plan for destruction of chemical weapons should include the type of operation, schedules of quantities and types of chemical weapons to be destroyed, and products.

"4. Chemical weapons production facilities should be declared even if they have been destroyed; are now being used for other purposes; or were or are dual-purpose facilities designed or used in any degree for civilian production. The declaration should specify the chemical name of any chemicals, including civilian products, if any, ever produced at the facility, whether the facility still exists; and, if not, its disposition.

"5. The information regarding existing chemical weapons production facilities should include information about the chemical process used, precisely what equipment and structures are at the facility, including any old or replacement equipment not in use, as well as equipment and spare parts stored at the facility; the methods that

will be used to close and eventually to destroy the equipment and structures; the general methods that will be used to dispose of the debris left from the destruction process; and the time periods (i.e., the months or years) when specific production facilities will be destroyed, respectively.

- "6. The declaration regarding a single specialized production facility for super-toxic lethal chemicals and key precursors for protective purposes should include a detailed description of the equipment at the facility.
- "7. The capacity of a chemical weapons production facility, or of a single specialized facility for production of super-toxic lethal chemicals or key precursors for protective purposes, should be expressed in terms of the quantity of end product that can be produced in (period), assuming that the facility operates (schedule). The capacity of a chemical weapons production facility used for filling chemical weapons should be expressed as the quantity of chemical that can be filled into munitions or other chemical weapons in (period), assuming that the facility operates (schedule).
- "8. With respect to past transfers, Parties should be required to make a declaration covering activities since (date). The declaration should specify the supplier and recipient countries, the timing and nature of the transfer and the current location of the transferred items, if known. The following should be declared:
- "(a) transfer of any militarily significant quantities (e.g., one ton) of toxic chemicals, munitions, devices or equipment for chemical weapons purposes; and
- "(b) transfers of equipment specifically designed or constructed for production of chemicals, munitions, devices or equipment for chemical weapons purposes.
- "C. Contents of Other Declarations
- "1. A declaration should be made annually regarding activities for protective purposes. It should cover activities actually conducted in the past year and those planned for the coming year. Information should be provided on:
- "(a) operations of any single specialized facility for production of super-toxic lethal chemicals and key precursors, including the schedule and names and quantities of chemicals involved;
- "(b) the scientific chemical name, chemical structural formula, quantity and use of each key precursor devoted to protective purposes and each toxic chemical that can be used as a chemical weapon but is devoted to protective purposes;
- "(c) (other protective activities to be agreed).
- "2. As specified in Article III and Annex III, a declaration should be made annually regarding the chemicals listed in Schedules A, B, and C.
- "3. Thirty days prior to the transfer to another Party of any super-toxic lethal chemical or key precursor for protective purposes, information should be provided on the recipient, and on the scientific chemical name, chemical structural formula, quantity, and end use, of the chemical transferred.
- "4. The detailed plan for destruction of chemical weapons, to be provided pursuant to Article V, should be submitted six months before destruction operations are to begin and should contain agreed information necessary for the planning and carrying out of systematic international on-site verification.

- "5. The detailed plan for destruction of any chemical weapons production facility, to be provided pursuant to Article VI, should be submitted six months before destruction operations are to begin and should contain agreed information necessary for the planning and carrying out of systematic international on-site verification.
- "6. As specified in Articles V and VI, notifications should be provided annually regarding the implementation of plans for destruction of chemical weapons and chemical weapons production facilities, respectively. These notifications should contain agreed information on activities actually conducted in the past year and those planned for the coming year. Information should also be provided on any changes in the detailed plans for destruction.
- "7. Should any Party discover or retrieve any old chemical weapons (e.g., weapons found on World War I battlefields or dumped at sea after World War II) anywhere under its jurisdiction or control after the declarations required by Articles IV and V have been filed it should:

"(a) notify the Consultative Committee promptly of the approximate quantity and type of the chemical weapons found. The notification should also specify how, where, and when the chemical weapons were found, why they were previously undeclared, and where they are located. The notification should be filed within 45 days of the discovery. In the case of multiple and frequent discoveries of small quantities, a notification may cover a one-month period; such a notification should be made within 30 days of the end of the reporting month; and

"(b) notify the Consultative Committee, within five months of the first notification, regarding the exact quantity and type of chemical weapon found, including the scientific chemical name and chemical structural formula of any toxic chemical found and its quantity. The notification should specify plans for the destruction of the chemical weapons.

"(c) In the event that some of the information stipulated under subparagraphs (a) and (b) of this paragraph cannot be provided within the periods specified, submit as much information as possible, specify the reasons the remainder is unavailable, and give an estimate of when such information might be provided.

" Section B. On-Site Verification

" A. General Provisions

- "1. All on-site verification, whether systematic international verification, special on-site inspection or ad hoc on-site inspection, under the auspices of the Consultative Committee should be carried out according to procedures which are agreed in advance and based on this Annex.
- "2. On-site verification should make use of both on-site inspectors and on-site instruments.
- "3. The Executive Council and the host Party should promptly agree upon subsidiary arrangements which specify in detail, to the extent necessary to permit the Committee to fulfill its verification responsibilities in an effective and efficient manner, how the on-site verification provisions will be implemented at each of the locations subject to systematic international on-site verification.

"4. The privileges and immunities which should be granted to inspectors to ensure that they can discharge their functions effectively should be specified. The steps that a Party should take to ensure that inspectors can effectively discharge their functions in its territory should also be specified.

"5. Certain rights of a Party with respect to the conduct of verification in its territory should be specified. For example, although it should not be required, host Party representatives should be allowed to accompany international inspectors during on-site inspections.

"6. Pursuant to the obligation in Article VIII not to interfere in any manner with the conduct of verification activities:

"(a) entry visas for inspectors should be issued promptly;

"(b) host Party representatives should be ready to accompany the inspectors immediately. No delays in carrying out the inspections should be allowed to occur under the guise of the unavailability of appropriate host Party representation;

"(c) no bureaucratic constraints (e.g., governmental travel approval) should be imposed which would interfere with the inspection or provide the host Party with sufficient advance notification of the site to be inspected that the host Party could cover up possible prohibited activities prior to the inspection.

"7. The Consultative Committee and the Party concerned should be required to co-operate to facilitate the implementation of the verification measures specified by the Convention.

"8. Verification measures should be implemented in a manner designed:

"(a) to avoid hampering the economic and technological activities of Parties; and

"(b) to be consistent with management practices required for the safe conduct of the activities subject to verification.

"9. On-site instruments should incorporate a capability for remote monitoring. They should also incorporate data protection and tamper-detecting devices and be serviced only by international inspectors.

"10. Full account should be taken of technological developments in order to ensure optimum effectiveness of verification.

"11. An agreed timetable for destruction activities should be included to facilitate verification and to ensure that no Party gains military advantage during the destruction period.

"B. Inspection and Interim Monitoring of Stocks

"1. After a Party has filed its declarations pursuant to Articles IV and V, chemical weapons should be subject to inspection immediately, under agreed procedures, to confirm the accuracy of the declarations. These inspections should be completed within (number) days after the filing of the declarations.

"2. To ensure that a Party does not move chemical weapons to a deployment site or to a clandestine site prior to destruction, the storage facilities should be equipped with monitoring instruments by international inspectors immediately following the confirmatory inspection.

"3. During confirmatory inspection of chemical weapons, an on-site survey of each location should be made to determine what preagreed types of instruments would be emplaced to monitor the chemical weapons there prior to removal for destruction. The instruments should be installed and tested by the inspecting team, in the presence of host Party personnel, before the site and facility are declared secure. After emplacement of instruments is complete, on-site inspection should be repeated to confirm that no chemical weapons had been removed from that location since the initial confirmatory inspection. An additional set of agreed procedures should be developed for the removal of chemical weapons from each storage site for transfer to a destruction facility. Until all chemical weapons have been removed for destruction, the storage site should be visited periodically by an international inspection team for routine monitoring and maintenance purposes, e.g., testing the system of instruments.

"C. Verification of the Destruction of Chemical Weapons

"1. The verification procedures should be designed to confirm that chemical weapons are not diverted during transport or any phase of the destruction process and to confirm that the type and quantity of materials destroyed correspond to the declarations and that all materials are actually destroyed.

"2. Transport of chemical weapons from storage sites and their destruction should be verified by systematic, international on-site procedures. International inspectors should be present at the storage facility when chemical weapons are removed for shipment to declared destruction facilities. The inspectors should verify the chemical weapons being moved and resecure the storage facility once they have been loaded on transports. (However, inspectors would not need to accompany the shipments.) Inspectors should verify that the chemical weapons are received at the destruction facility and placed in interim storage there. On-site instruments, as well as inspectors, should be utilized for verification of destruction. Inspectors should be present in the destruction facility continuously when the facility is operating.

"3. The destruction procedures should permit systematic international on-site verification. The following procedures should not be used for the destruction of chemical weapons: dumping in any body of water, land burial, or open-air burning. The destruction process should, for practical purposes, be irreversible.

"D. Closure, Inspection, and Interim Monitoring of Chemical Weapons Production Facilities

"1. After a Party has filed its declarations pursuant to Articles IV and VI, chemical weapons production facilities should be immediately subject to inspection to confirm the accuracy of the declaration, and to confirm the implementation of agreed procedures for closure. These inspections should be completed within (number) days after the filing of the declaration. Subsequent verification procedures should be implemented to confirm that Parties have not resumed production or filling at the facility and to confirm that equipment has not been removed.

"2. An inventory of key equipment should be prepared, and its accuracy verified by international inspectors during confirmatory inspection. At the same time, the inspector should survey the facility to determine which of the pre-agreed types of instruments should be emplaced to monitor the facility until it is destroyed. The instruments should be installed and tested by the inspecting team, in the presence of host Party personnel, before the facility is declared secure. During the interim between securing the facility and actually destroying it, the facility should be visited periodically by an international inspection team for routine monitoring and maintenance purposes, e.g., testing the system of instruments.

"E. Verification of the Destruction of Chemical Weapons Production Facilities

- "1. The verification procedures should be designed to confirm that chemical weapons production facilities have been destroyed.
- "2. International inspectors should be present at the facility to be destroyed prior to beginning destruction to verify that the inventory of structures, equipment, parts, etc., at the facility is consistent with the inventory prepared when the facility was secured. During destruction, inspectors need not be present continuously, provided agreed procedures, including the use of on-site instruments, are implemented to ensure that the facility remains inoperative during the destruction phases. On-site inspections would be conducted periodically throughout the destruction process.
- "3. Equipment specifically designed for chemical weapons production should be destroyed. All items to be destroyed should be destroyed according to agreed procedures which permit systematic international on-site verification. No equipment may be removed from the site prior to check-off from the original inventory by the inspectors. Structures should be destroyed completely, by razing, and a final international inspection performed.

"F. Inspection and Monitoring of the Permitted Single Specialized Production Facility

- "1. The verification procedures should be designed to confirm that the production of super-toxic lethal chemicals and key precursors in quantities significantly in excess of one ton does not occur at the single specialized production facility.
- "2. The precise location of the facility should be declared and the facility should be inspected by international inspectors before it is used to ensure that its capacity will not permit the production, on an annual basis, of quantities significantly in excess of one ton. On-site instruments should be installed which will signal whether the facility is active or inactive. An annual declaration should be made about planned production activities. International inspectors should have the right to visit the facility periodically to enable them to monitor production activities, as well as inactive periods, through on-site inspection.

"G. Verification Measures Applicable to Production for Permitted Purposes of Chemicals Listed in Schedule C

- "1. The verification procedures should be designed to confirm that these facilities are not used to produce chemical weapons.
- "2. Inspections should occur periodically on a random basis. Such inspections should be conducted under agreed procedures which provide protection for proprietary information.
- "3. During an inspection, international inspectors should have the right to review certain agreed plant records and interview personnel under agreed procedures. Inspectors should be allowed to view agreed areas; take samples from agreed points, such as finished product storage containers and waste treatment areas; and analyse them using agreed methods. Inspectors would not have the right to interfere with plant operations more than necessary to carry out their agreed functions.
- "4. Use of special instruments (e.g., end product samplers) between inspections should be permitted when deemed necessary by the inspectors.

"5. Plans to change the end product of the facility or substantially change its capacity should be reported in advance to international authorities. Details of process modification need not be disclosed; however, final products and estimated time for completing the work should be provided. International inspectors should be permitted to view agreed areas soon after completion of the modifications. At that time, new or altered instruments should be installed, as required.

"H. On-site Inspections under Articles X and XI

"1. Agreed procedures for conducting on-site inspections under Articles X and XI should be specified in this Annex, including:

"(a) a requirement for definition of the area to be inspected;

"(b) time limits for providing access to the area to be inspected;

"(c) the maximum number of personnel on an inspection team;

"(d) length of service requirements for designation of inspectors;

"(e) routes of access and means of transportation;

"(f) types of experimental and support equipment which may be employed and who shall furnish specific types of equipment;

"(g) procedures for making observations and measurements, including collecting samples and taking photographs;

"(h) protection of proprietary and confidential information including liability for unauthorized disclosure of such information;

"(i) services to be furnished by the host Party;

"(j) rights of inspection personnel, including privileges and immunities;

"(k) certain rights of the host Party;

"(l) allocation of expenses;

"(m) preparation of reports;

"(n) dissemination of findings;

"(o) additional rights to be exercised in specific situations; and

"(p) duration of an inspection.

"2. With regard to 'locations or facilities controlled by the Government of a Party,' referred to in Article X, subparagraph 1(b), this Annex should provide the means of specifying those categories of locations or facilities which shall be subject to special on-site inspections, including the relevant facilities used for the provision of goods and services to the Government of a Party. It is intended that this provision reach any location or facility that in the future might be suspected of being used for activities in violation of this Convention. The specification of such locations and facilities should be a reasonable one.

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"3. The Committee should use the following guidelines in determining whether to request a Party to permit an ad hoc inspection pursuant to Article XI:

"(a) whether the information available to it causes any doubts about compliance with the Convention or gives rise to any concerns about a related matter which may be considered ambiguous;

"(b) whether the proposed inspection would assist in determining the facts;

"(c) whether the locations to be inspected are clearly defined and limited to places relevant to determination of the facts; and

"(d) whether the proposed arrangements will limit intrusion to the level necessary to determine the facts.

"4. The Technical Secretariat should ensure that sufficient inspectors will always be readily available to carry out special on-site inspections pursuant to Article X and ad hoc on-site inspections pursuant to Article XI.

"Annex III

"SCHEDULES: CHEMICALS SUBJECT TO SPECIAL MEASURES;
METHODS FOR MEASURING TOXICITY

"Provisions along the following lines should be included:

- "1. Schedule A should contain super-toxic lethal chemicals, key precursors, and other particularly dangerous chemicals, which have been stockpiled as chemical weapons or which pose particular risk of such stockpiling. Information on the persons authorized to possess such chemicals, the quantity produced and used at each location and the end uses should be reported annually.
- "2. Schedule B should contain chemicals which are produced in large quantities for permitted purposes but which pose a particular risk of diversion to chemical weapons purposes. In respect of each chemical in Schedule B, every Party should report annually the location of each production facility and statistical data on the aggregate quantities produced, imported, and exported, and on the end uses of the chemical.
- "3. Schedule C should contain chemicals whose production for permitted purposes should be subject to systematic international on-site verification, including key precursors. In respect of each chemical listed in Schedule C, every Party should report annually, for each chemical which is produced, imported or exported in an aggregate amount greater than (quantity), the location of each production facility and statistical data on the aggregate quantities produced, imported, and exported, and on the end uses of the chemical. Plans to establish a new production facility or to change substantially the capacity of an existing production facility should be reported ninety days in advance. Production facilities should be subject to systematic international on-site inspection, pursuant to Article III.
- "4. Schedule D should contain agreed methods for measuring lethal toxicity.
- "5. If a Party has information which in its opinion may require a revision of Schedules A, B, C, or D, it should provide the information to the Chairman of the Consultative Committee who should transmit the information to all Parties. The Technical Secretariat should also submit any such information to the Committee.
- "6. The Executive Council should promptly examine, in the light of all information available to it, whether the Schedule in question should be revised. The Council may recommend that the Schedule be revised or it may recommend that no revision be made. Any recommendation should be communicated promptly to all Parties.
- "7. Any recommendation by the Executive Council should be reviewed by the Consultative Committee at its next regularly scheduled meeting. The Committee may decide to accept the recommendation as stated, or in revised form, or it may decide to reject the recommendation. If requested by five or more Parties, a special meeting of the Committee should be held to review the recommendation. A two-thirds vote of the Committee should be required to revise a Schedule.

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"SCHEDULE A

- "1. Ethyl S-2-diisopropylaminoethyl
methylphosphonothic acid (VX)
- "2. Ethyl N,N-dimethylphosphoramidocyanidate (Tabun)
- "3. iso-Propyl methylphosphonofluoridate (Sarin)
- "4. 1,2,2-Trimethylpropyl methylphosphonofluoridate (Soman)
- "5. Bis(2-chloroethyl)sulphide (Mustard gas)
- "6. 3-Quinuclidinyl benzilate (BZ)
- "7. Saxitoxin
- "8. 3,3-Dimethylbutanol-2 (Pinacolyl alcohol)
- "9. Methylphosphonyl difluoride

"SCHEDULE B

- "1. Carbonyl chloride (phosgene)
- "2. Cyanogen chloride
- "3. Hydrogen cyanide
- "4. Phosphorus oxychloride
- "5. Phosphorus trichloride
- "6. Trichloronitromethane (chloropicrin)
- "7. Thiodiglycol

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"SCHEDULE C

"Key precursors for super-toxic lethal chemicals

- "1. Chemicals containing the P-methyl, P-ethyl or P-propyl bond
- "2. Methyl and/or ethyl esters of phosphorous acid
- "3. 3,3-dimethyl butanol-2 (pinacolyl alcohol)
- "4. N,N disubstituted-B-amino ethanols
- "5. N,N disubstituted-B-amino ethane thiols
- "6. N,N disubstituted-B-aminoethyl halides
(halide = Cl, Br or I)

"Key Precursors for other toxic chemicals

- "1. Phenyl-, alkyl- or cycloalkyl-substituted glycolic acids
- "2. 3- or 4-hydroxypiperidine and their derivatives

"Toxic chemicals

"(To be discussed)

"SCHEDULE D

"Lethal toxicity should be measured by the procedures specified below:

(text of procedures contained in document CD/CW/WP.30, Annexes III and IV;
22 March 1982)

"ANNEX III

"RECOMMENDED STANDARDIZED OPERATING PROCEDURES FOR ACUTE
SUBCUTANEOUS TOXICITY DETERMINATIONS

"1. Introduction

"Three categories of agents were defined on the basis of their toxicity:

- "(i) super-toxic lethal chemicals;
- "(ii) other lethal chemicals;
- "(iii) other harmful chemicals.

"Lethality limits in terms of LD₅₀ for subcutaneous administration were established to separate three toxic categories at 0.5 mg/kg and 10 mg/kg.

"2. Principles of the test method

"The test substance is administered to a group of animals in doses corresponding exactly to the category limits (0.5 or 10 mg/kg respectively). If in an actual test the death rate was greater than 50 per cent, then the material would fall into the higher toxicity category; if it was lower than 50 per cent the material would fall into the lower toxicity category.

"3. Description of the test procedure

"3.1 Experimental animal Healthy young adult male albino rats of Wistar strain weighing 200 ± 20 g should be used. The animals should be acclimatized to the laboratory conditions for at least five days prior to the test. The temperature of the animal room before and during the test should be 22 ± 3 °C and the relative humidity should be 50-70 per cent. With artificial lighting, the sequence should be 12 hours light, 12 hours dark. Conventional laboratory diets may be used for feeding with an unlimited supply of drinking water. The animals should be group-caged but the number of animals per cage should not interfere with proper observation of each animal. Prior to the test, the animals are randomized and divided into two groups; twenty animals in each group.

"3.2 Test substance Each test substance should be appropriately identified (chemical composition, origin, batch number, purity, solubility, stability etc.) and stored under conditions ensuring its stability. The stability of the substance under the test conditions should also be known. A solution of the test substance should be prepared just before the test. Solutions with concentrations of 0.5 mg/ml and 10 mg/ml should be prepared. The preferable solvent is 0.85 per cent saline. Where the solubility of the test substance is a problem, a minimum amount of an organic solvent such as ethanol, propylene glycol or polyethylene glycol may be used to achieve solution.

"3.3 Test method Twenty animals receive in the back region 1 ml/kg of the solution containing 0.5 mg/ml of the test substance. The number of dead animals is determined within 48 hours and again after seven days. If the death rate is lower than ten animals, another group of twenty animals should be injected by the same way with 1 ml/kg of the solution containing 10 mg/ml of the test substance. The number of dead animals should be determined within 48 hours and again after seven days. If the result is doubtful (e.g. death rate = 10), the test should be repeated.

"3.4 Evaluation of the results If the death rate in the first group of animals (receiving a solution containing 0.5 mg/ml) is equal to or higher than 50 per cent, the test substance will fall into the 'super-toxic lethal chemical' category. If the death rate in the second group (receiving a solution containing 10 mg/ml) is equal to or higher than 50 per cent, the test substance will fall into the 'other lethal chemical' category; if lower than 50 per cent, the test substance will fall into the 'other harmful chemical'.

"4. Data reporting

"A test report should include the following information:

- "(i) test conditions: date and hour of the test, air temperature and humidity;
- "(ii) animal data: strain, weight and origin of the animals;
- "(iii) test substance characterization: chemical composition, origin, batch number and purity (or impurities) of the substance; date of receipt, quantities received and used in the test; conditions of storage, solvent used in the test;
- "(iv) results: the number of dead animals in each group, evaluation of results.

"ANNEX IV

"RECOMMENDED STANDARDIZED OPERATING PROCEDURES FOR ACUTE INHALATION TOXICITY CRITERIA

"1. In the assessment and evaluation of the toxic characteristics of chemicals in a vapour state determination of acute inhalation toxicity is necessary. In every case, when it is possible, this test should be preceded by subcutaneous toxicity determination. Data from these studies constitute the initial steps in the establishing of a dosage regimen in subchronic and other studies and may provide additional information on the mode of toxic action of a substance.

"Three categories of agents were defined on the basis of their toxicity:

- "(i) super-toxic lethal chemicals;
- "(ii) other lethal chemicals;
- "(iii) other harmful chemical.

"Lethality limits in terms of $L_{Ct_{50}}$ for inhalatory application were established to separate three toxic categories at $2,000 \text{ mg min/m}^3$ and $20,000 \text{ mg min/m}^3$.

"2. Principles of the test method

"A group of animals is exposed for a defined period to the test substance in concentration corresponding exactly to the category limits ($2,000 \text{ mg min/m}^3$ or $20,000 \text{ mg min/m}^3$ respectively). If in an actual test the death rate was greater than 50 per cent, then the material would fall into the higher toxicity category; if it was lower than 50 per cent, the material would fall into the lower toxicity category.

"3. Description of the test procedure

"3.1 Experimental animal. Healthy young adult male albino rats of Wistar strain weighing $200 \pm 20 \text{ g}$ should be used. The animals should be acclimatized to the laboratory conditions for at least five days prior to the test. The temperature of the animal room before and during the test should be $22 \pm 3^\circ\text{C}$ and the relative humidity should be 50-70 per cent. With artificial lighting, the sequence should be 12 hours light, 12 hours dark. Conventional laboratory diets may be used for feeding with an unlimited supply of drinking water. The animals should be group-caged but the number of animals per cage should not interfere with proper observation of each animal. Prior to the test the animals are randomized and divided into two groups, twenty animals in each group.

"3.2 Test substance. Each test substance should be appropriately identified (chemical composition, origin, batch number, purity, solubility, stability, boiling point, flash point, vapour pressure etc) and stored under conditions ensuring its stability. The stability of the substance under the test conditions should also be known.

"3.3 Equipment. A constant vapour concentration may be produced by one of several methods.

- "(i) by means of an automatic syringe which drops the material onto a suitable heating system (e.g. hot plate),
- "(ii) by sending airsteam through a solution containing the material (e.g. bubbling chamber),
- "(iii) by diffusion of the agent through a suitable material (e.g. diffusion chamber).

"A dynamic inhalation system with a suitable analytical concentration control system should be used. The rate of air flow should be adjusted to ensure that conditions throughout the equipment are essentially the same. Both a whole body individual chamber exposure or head only exposure may be used.

"3.4 Physical measurements. Measurements or monitoring should be conducted of the following parameters:

- "(i) the rate of air flow (preferably continuously),
- "(ii) the actual concentration of the test substance during the exposed period,
- "(iii) temperature and humidity.

"3.5 Test method. Twenty animals are exposed for 10 minutes to the concentration of 200 mg/m³ and then removed from the chamber. The number of dead animals is determined within 48 hours and again after 7 days. If the death rate is lower than 10 animals, another group of twenty animals should be exposed for 10 minutes to the concentration of 2,000 mg/m³. The number of dead animals should be determined within 48 hours and again after 7 days. If the result is doubtful (e.g. death rate = 10), the test should be repeated.

"3.6 Evaluation of results. If the death rate in the first group of animals (exposed to the concentration of 200 mg/m³) is equal to or higher than 50 per cent, the test substance will fall into the 'super-toxic lethal chemical' category. If the death rate in the second group (exposed to the concentration of 2,000 mg/m³) is equal to or higher than 50 per cent, the test substance will fall into the 'other legal chemical' category; if it is lower than 50 per cent, the test substance will fall into the 'other harmful chemical'.

"4. Data reporting

"A test report should include the following information:

- "(i) Test conditions. date and hour of the test, description of exposure chamber (type, dimensions, source of air, system for generating the test substance, method of conditioning air, treatment of exhaust air etc) and equipment for measuring temperature, humidity, air flow and concentration of the test substance.

- "(ii) Exposure data: air flow rate, temperature and humidity of air, nominal concentration (total amount of test substance fed into the equipment divided by volume of air), actual concentration in test breathing zone.
- "(iii) Animal data: strain, weight and origin of animals.
- "(iv) Test substance characterization: chemical composition, origin, batch number and purity (or impurities) of the substance; boiling point, flash point, vapour pressure; date of receipt, quantities received and used in the test; condition of storage, solvent used in the test.
- "(v) Results: number of dead animals in each group, evaluation of results.

"Document Regarding Action Prior to Entry into Force of the
Convention: Detailed Views

"A document containing the following should be associated with the Convention:

- "1. When signing the Convention, every State should declare whether chemical weapons stocks or chemical weapons production facilities are under its control anywhere or located within its territory.
- "2. Not less than 90 days after the Convention is opened for signature a Preparatory Commission, composed of representatives of all signatory States, should be convened for the purpose of carrying out necessary preparations for the coming into force of the Convention's provisions, including preparing the first session of the Consultative Committee.
- "3. The Commission should include one representative from each signatory. All decisions should be made by consensus. The Preparatory Commission should remain in existence until the Convention comes into force and thereafter until the first meeting of the Consultative Committee. Its actions must be consistent with the provisions of the Convention.
- "4. The expenses of the Preparatory Commission should be met as follows (details).
- "5. The Preparatory Commission should:
 - "(a) elect its own officers, adopt its own rules of procedure, meet as often as necessary, determine its own place of meeting and establish such committees as it deems necessary;
 - "(b) appoint an executive secretary and staff, who shall exercise powers and perform such duties as the Commission determines;
 - "(c) make arrangements for the first session of the Consultative Committee, including preparing a provisional agenda, drafting rules of procedure, and choosing the site; and
 - "(d) make studies, reports, and recommendations for the consideration of the Consultative Committee at its first meeting on procedural matters of concern to the Committee which would require immediate attention, including:
 - "(1) financing of the activities for which the Committee is responsible;
 - "(2) the programs and budget for the first year of the Committee's activities;
 - "(3) staffing of the Secretariat; and
 - "(4) the location of the permanent offices of the Committee.
- "6. The Preparatory Commission should submit a comprehensive report on its activities to the Consultative Committee at the Committee's first session."

CONFERENCE ON DISARMAMENT

CD/532
CD/CW/WP.84
8 August 1984
ENGLISH
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"Working Paper

submitted by a group of socialist States

"The organization and functioning of the Consultative Committee

"I. General provisions and structure

- "1. With a view to ensuring broader international consultations and co-operation, exchanging information and promoting verification in order to obtain compliance with the provisions of the Convention, a Consultative Committee shall be established by the States Parties to the Convention within 30 days after the Convention's entry into force.
- "2. Each State Party shall be entitled to designate a representative to the Consultative Committee who may be accompanied at the meetings by one or more advisers. The Chairman of the sessions of the Consultative Committee shall be elected by the Consultative Committee itself.
- "3. The Consultative Committee shall meet in regular sessions annually unless it decides otherwise. Every five years the Committee shall review the implementation of the Convention to ensure that its objectives and provisions are being fulfilled. An extraordinary (special) session of the Consultative Committee may be convened to consider matters of urgency at the substantiated request of any of the States Parties within 30 days of the receipt of such a request.
- "4. The Consultative Committee shall take its decisions on matters of substance by consensus. If consensus cannot be reached during the session, each State Party may record its opinion in the final report of the session for subsequent study by the Governments of the other States Parties to the Convention. Decisions on procedural matters related to the organization of work of the Committee shall be taken by consensus where possible, and otherwise by a majority of those present and voting.
- "5. The results of the sessions of the Consultative Committee shall be reflected in the records of its meetings and in the final report which shall be circulated to all the States Parties.

"6. In the intervals between sessions, questions relating to promoting the implementation of and compliance with the Convention shall be dealt with by the Executive Council acting on behalf of the Consultative Committee.

The Executive Council shall be composed of 15 members representatives of the States Parties and a Chairman, who shall be the Chairman of the last session of the Consultative Committee. Ten members of the Council shall be elected by the Consultative Committee after consultation with the States Parties, taking into account the principle of equitable political and geographical representation, for a term of two years, five members being replaced each year. The remaining five seats shall be reserved for the permanent members of the Security Council parties to the Convention.

"7. The Executive Council shall take its decisions on matters of substance by consensus. If consensus with regard to a request for on-site inspection cannot be reached within 24 hours, the State subject to the request shall be informed of the individual opinions expressed by all the members of the Executive Council on the matter. The Executive Council shall take its decisions on procedural matters related to the organization of its work by consensus where possible, and otherwise by a majority of those present and voting.

"8. The Technical Secretariat shall be staffed proceeding from the principle of equitable political and geographical representation of States Parties. It shall be composed of inspectors and experts who shall be nationals of the States Parties.

"9. The Consultative Committee may establish such subsidiary technical bodies as may be necessary.

"II. Functions

"The Consultative Committee shall:

"1. Provide a forum for discussion by all the States Parties concerned of all issues related to implementation of and compliance with the Convention;

"2. Co-ordinate all forms of verification and provide for communication between national and international verification bodies;

"3. Elaborate, in agreement with all Parties, standard verification techniques;

"4. Receive, store and disseminate information presented by the States Parties in accordance with the Convention, including declarations, notifications and statements on chemical weapon stockpiles and production facilities, plans for the destruction or diversion of such stockpiles and for the elimination (destruction, dismantling or diversion) of the facilities, and annual declarations concerning chemicals for permitted purposes that are produced, diverted from stockpiles, used, acquired or transferred;

"5. Provide the States Parties, at their request, with services in respect of holding consultations among themselves on questions with regard to implementation of and compliance with the Convention, as well as in respect of exchanging information on a bilateral or multilateral basis or obtaining services from relevant international organizations;

"6. Adopt, at its first session, the criteria that it will subsequently use to determine the modalities and time frames for on-site inspections at each facility for the destruction of stockpiles or for the production of supertoxic lethal chemicals for permitted purposes;

"7. Verify, in accordance with the provisions of the Convention, reports on the use of chemical weapons;

"8. Determine, on the basis of the information presented by the States Parties on chemical weapon stockpiles and the technical characteristics of the facilities for their destruction, as well as on the technical characteristics of the facilities for the production of supertoxic lethal chemicals for permitted purposes, the modalities and time frames for the implementation of international on-site inspections at each individual facility, proceeding from the agreed criteria;

"9. Consider requests for on-site inspections filed by States Parties and, in the event of a positive decision, carry out the inspection, subject to the consent of the host State;

"10. Assign, in cases of on-site inspections by challenge, conducted by agreement directly between the States Parties concerned, inspectors from its Technical Secretariat to participate in such inspections, if this is requested by one or several States Parties;

"11. Approve the reports of the Executive Council containing information on implementation of and compliance with the Convention, recommendations on particular technical matters and the factual report on the work done by the Executive Council between the sessions of the Consultative Committee;

"12. Consider and decide upon administrative and financial questions and approve the budget on the basis of an agreed scale of financial contributions.

"III. Co-operation with the national verification bodies of the States Parties

"The Consultative Committee shall:

"1. Hold regular meetings on a bilateral or multilateral basis, with the national bodies of the States Parties in order to enhance the effectiveness of co-operation in ensuring compliance with the Convention;

"2. Provide, within a specially established technical body, training for the personnel of the national verification bodies in standard international verification techniques and the use of the relevant equipment;

"3. Elaborate, in agreement with the States Parties, procedures for sealing chemical weapon production facilities (or their key points), design the sealing devices and formulate recommendations for their possible use by the national verification bodies of the States Parties;

"4. In the course of inspections the inspecting personnel shall have the right to request assistance from the officials of the national bodies in charge of the implementation of the Convention on any matters related to such inspections;

"5. A State Party which has received a notification of a regular international systematic on-site inspection or of a challenge on-site inspection specifying the concrete purpose of such an inspection, the approximate time of the arrival of the inspection team at the point of entry into the territory of the State Party concerned and the qualifications and names of the inspectors and their nationalities, shall acknowledge receipt of the notification within two days and shall provide in its turn (in the case of a challenge inspection — subject to its agreement thereto) a list of officials representing the national body in charge of the implementation of the Convention who could, for their part, facilitate and provide support for the conduct of the inspection."

E. Prevention of an arms race in outer space

99. The item on the agenda entitled "Prevention of an arms race in outer space" was considered by the Conference, in accordance with its programme of work, during the periods 19-23 March and 16-20 July 1984.

100. The following documents were submitted to the Conference in connection with the item during the 1984 session:

(a) Document CD/329/Rev.1, dated 29 February 1984, submitted by the Group of 21, entitled "Draft Mandate for Ad Hoc [Subsidiary body] on Item 5 of the Agenda of the Conference on Disarmament entitled 'Prevention of an Arms Race in Outer Space'".

(b) Document CD/329/Rev.2, dated 20 July 1984, submitted by the Group of 21, entitled "Draft Mandate for Ad Hoc Committee on Item 5 of the Agenda of the Conference on Disarmament entitled 'Prevention of an Arms Race in Outer Space'".

(c) Document CD/476, dated 20 March 1984, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Draft Treaty on the Prohibition of the Use of Force in Outer Space and from Space against the Earth".

(d) Document CD/510, dated 18 June 1984, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Answers by Mr. K.U. Chernenko, General-Secretary of the CPSU Central Committee and Chairman of the Presidium of the Supreme Soviet of the USSR, to questions by a United States journalist, Mr. J. Kingsbury-Smith".

(e) Document CD/527, dated 30 July 1984, submitted by the delegations of Australia; Belgium; Canada; France; Germany, Federal Republic of; Italy; Japan; Netherlands; United Kingdom; and United States of America, entitled "Draft Mandate for an Ad Hoc Committee on item 5 of the agenda of the Conference on Disarmament, entitled: 'Prevention of an arms race in outer space'".

(f) Document CD/529, dated 2 August 1984, submitted by a group of socialist countries, entitled "Draft Mandate for an Ad Hoc Committee on item 5 of the agenda of the Conference on Disarmament".

101. In connection with agenda item 5, a contact group was established with the task of formulating an appropriate mandate for an ad hoc committee under this item. The contact group held a number of meetings under the guidance of the President of the Conference on Disarmament. Various proposals were considered in the contact group but no consensus could be reached. Formal proposals were submitted by the Group of 21 (CD/329/Rev.1 and Rev.2), by a group of socialist countries (CD/529) and by a number of Western delegations (CD/527). At the 281st plenary meeting on 14 August 1984, at the request of the Group of 21, the President put before the Conference for decision the proposal of that Group, contained in document CD/329/Rev.2, on a mandate for an ad hoc committee on item 5 of the agenda. On behalf of a group of western countries, it was stated that the group was not in a position to join in a consensus on the proposal contained in document CD/329/Rev.2. The group of socialist countries expressed its support for the draft mandate contained in document CD/329/Rev.2. The President stated that there was then no consensus at present on the adoption of the draft mandate contained in document CD/329/Rev.2. Thereafter, at the request of a group of socialist countries, the President put before the Conference for decision the draft mandate proposed by that group in document CD/529. On behalf of a group of western countries it was stated that the group could not participate in a consensus on that document. The President stated that there was no consensus at present on the proposal of a group of socialist countries contained in document CD/529. The draft mandate contained in document CD/527 was not submitted for decision. A number of delegations indicated that they could not support the draft mandate contained in document CD/527.

102. Several delegations addressed various issues relating to the prevention of an arms race in outer space at plenary meetings of the Conference.

103. The Group of 21 reiterated that outer space was the common heritage of mankind and should be preserved exclusively for peaceful purposes. It also

recalled that paragraph 80 of the Final Document of the first special session of the General Assembly devoted to disarmament stated that: "In order to prevent an arms race in outer space, further measures should be taken and appropriate international negotiations held in accordance with the spirit of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies." The Group of 21 further stressed that by resolution 38/70 which had been adopted by 147 votes in favour to 1 against, with 1 abstention, the General Assembly had, inter alia, requested the Conference to consider as a matter of priority the question of preventing an arms race in outer space and to establish a subsidiary body at the beginning of its 1984 session with a view to undertaking negotiations for the conclusion of an agreement or agreements, as appropriate, to prevent an arms race in all its aspects in outer space. It was noted, however, that although the resolution was adopted with only one vote against and one abstention, the Conference on Disarmament found itself unable to implement it because of the opposition of some members of one group which continued to abuse the rule of consensus. In this connection, it was recalled that the Group of 21 had submitted two years ago a proposal reproduced in document CD/330 of 13 September 1982, to amend Article 25 of the Rules of Procedure to make it read as follows: "The rule of consensus shall not be used either in such a way as to prevent the establishment of subsidiary organs for the effective performance of the functions of the Committee in accordance with the priorities established in the Final Document and in conformity with the provisions of rule 23." Members of the Group expressed serious concern about the perils posed by the extension of the arms race in outer space, in particular an increased danger of nuclear war. In their view, disturbing developments were taking place that underscored the urgency of initiating negotiations in the Conference to prevent an arms race in outer space. The Group of 21 considered, therefore, that unless urgent steps were taken now to prevent the extension of an arms race to outer space and its use for hostile purposes, it would soon be too late to reverse the trend. In this connection, some delegations held the view that tests and development of anti-satellite weapons underscored the need for urgent measures, and that an agreement, or agreements, should cover the banning of development, testing and deployment of ASAT-weapons on earth, in the atmosphere and in outer space as well as the destruction of existing ASAT-systems.

104. The group of socialist countries stressed that to prevent outer space from being militarized was a problem of importance of the whole of mankind. The group advocated the creation without delay of a subsidiary body on this item to start practical negotiations to prevent an arms race in outer space. In this connection, members of the group drew attention to the draft treaty on the prohibition of the use of force in outer space and from space against the earth (CD/476) proposed by the nuclear-weapon State belonging to that group and referred to the Conference by a decision of the thirty-eighth session of the United Nations General Assembly. It was emphasized that the draft provided for a ban on testing and deployment in outer space of any space-based weapons to be used against targets located on the earth's surface, in the atmosphere and in outer space as well as for a radical solution to the anti-satellite weapons issue. It was also pointed out that the nuclear-weapon State belonging to that group, in order to facilitate an agreement on preventing the militarization of outer space, had in 1983 declared a unilateral moratorium on the launching of anti-satellite weapons in outer space, i.e. had taken a unilateral obligation to refrain from launching any kind of anti-satellite weapons into outer space as long as other States, including the other major nuclear-weapon Power, also refrain from similar actions. Members of the group also emphasized the danger represented by the plan of elaborating "large scale and highly efficient anti-ballistic missile defence". They pointed out that the creation of a space-based ABM could disrupt the linkage between strategic offensive and defensive armaments embodied in the 1972 agreements between the two major nuclear-weapon powers and open a new round of strategic arms race. They also stressed that the space-based ABM defence concept was extremely dangerous also from the point of view that it would create an illusion of impunity and thus make a first nuclear strike more possible.

105. A nuclear-weapon State not belonging to any group believed that the importance and urgency of the subject underlined the need to set up a subsidiary body to deal with the question. In its view, the primary task at present should be the prohibition of all space weapons, including anti-satellite weapons, which impaired the stability of outer space. This should include a ban on the development, testing, production, deployment and use of such weapons and the destruction of existing space weapon systems.

106. A number of delegations, including three nuclear-weapon States, reaffirmed the importance and the urgency of preventing an arms race in outer space and expressed their readiness to support the establishment of a subsidiary body which would identify in the first instance through substantive examination, issues relating to the prevention of an arms race in outer space. In their view, an analysis of relevant international agreements, both bilateral and multilateral, should constitute the starting point in the consideration of the subject. It would help to identify the different issues relating to the prevention of an arms race in outer space, to locate loopholes or gaps in existing legal instruments and to determine the needed remedial measures. These countries also believed that such an analysis would be useful in the examination of existing proposals and future initiatives on the subject. One Western nuclear-weapon State stated that it considered that strategic defence research, if successful, could reduce the need to rely on offensive nuclear weapons and thus reduce the risk of initiation of nuclear war. One delegation recalled the explanation of vote given on the adoption of resolution 38/70 by the First Committee of the General Assembly, namely that paragraph 7 of that resolution could not be construed as prescribing the terms of a mandate for an Ad Hoc Committee of the Conference on Disarmament. That delegation, supported by many others, held that it was the responsibility of the Conference, which is an autonomous body operating by consensus, to work out the specific terms of reference for its subsidiary bodies in a way acceptable to all.

107. Members of the Group of 21 expressed the view that while they did not minimize the usefulness of the identification, through substantive examination, of issues relevant to the prevention of an arms race in outer space as an initial stage in the work of the subsidiary body, they maintained, however, that the mandate should spell out the ultimate objective of the subsidiary body, namely, to reach an agreement or agreements, as appropriate, to prevent an arms race in all its aspects in outer space, as specifically requested by the United Nations General Assembly in its resolution 38/70.

108. The group of socialist countries noted that the proposal by some States to study the existing norms of international law concerning the use of outer space for peaceful purposes, and all the issues relevant to the prevention of an arms race in outer space as well as to examine all existing proposals and future initiatives but without a mandate to negotiate, was being advanced in order to shelve the urgent negotiations

on the issue of preventing the arms race in outer space. Western delegations argued that in order to define possible areas of negotiation the Conference on Disarmament must first have a clear and shared idea of the issues involved in the prevention of an arms race in outer space.

109. One Western nuclear-weapon State expressed its concern as regards the possible consequences of the competition in the military use of outer space through ABM or ASAT Systems -- such systems implying serious risks of destabilization as well as negative consequences for the prospects of co-operation towards the peaceful uses of outer space. This State considered that the Conference on Disarmament was the appropriate forum to consider these problems. It considered at the same time that direct discussions between the United States and the Union of Soviet Socialist Republics should take place. In this regard it underlined the need for the initiation of an effort at international consultation governing the following points: (1) the strict limitation of anti-satellite systems, including in particular the prohibition of all such systems capable of hitting satellites in high orbit, the protection of which was the most important from the point of view of strategic balance; (2) the prohibition, for a renewable period of five years, of the deployment on the ground, in the atmosphere or in space of beam-weapon systems capable of destroying ballistic missiles or satellites at great distances and, as the corollary to this, the banning of the corresponding tests; (3) the strengthening of the present system of declaration as established by the Convention of 14 June 1975 on the registration of space objects, with each State or launching agency undertaking to provide more detailed information on the specifications and purposes of objects launched so as to improve the possibility of verification; (4) a pledge by the United States of America and the Union of Soviet Socialist Republics to extend to the satellites of third countries the provisions concerning the immunity of certain space objects on which they have reached bilateral agreement between themselves.

110. A Western delegation proposed the following measures for consideration:

(1) agreement on minimum separation distances for satellites in orbit or in transit to orbit; (2) agreement on prompt communication to an international authority of the full orbital elements of space objects and detailed disclosure of the nature of its mission; (3) co-operative measures to permit ready verification of orbit and general function of space objects; and (4) elaboration of a detailed set of principles or circumstances to identify interest in and responsibility for a space object.

111. Some delegations of the Group of 21 recalled their proposals, in which areas for consideration by a subsidiary body of the Conference had been identified as follows:

- (i) Negotiations to draft a comprehensive agreement or agreements, as appropriate, to prohibit:
 - (a) the stationing in orbit around the earth, on any celestial bodies or at any other location in outer space of any weapon which has been designed to inflict injury or cause any other form of damage on the earth, in the atmosphere or on objects placed in space; and
 - (b) the testing, production, deployment or use of any space-based, air-based or ground-based weapon system which is designed to damage, destroy or interfere with the functioning of any spacecraft of any nation.
- (ii) Examining the feasibility of extending Article IV of the Outer Space Treaty of 1967 to include a ban on all kinds of weapons from space, including all weapons based in space for use against any target and all anti-satellite weapons regardless of where they are based.
- (iii) Prohibition by international agreements of damage, disturbance or harmful interference in the normal functioning of permitted space objects, in order to strengthen the Outer Space Treaty of 1967 and to confirm the International Telecommunications Convention.

112. Many delegations expressed their utmost concern about the plans for development of entirely new types of weapons systems in outer space in the name of defensive weapons. These delegations warned against under-estimating the grave implications of the developments of these weapons and the urgent need for taking action before it was too late. It was a well-considered view of these delegations that the newest round of weapons being planned for outer space would involve a ruinous expenditure involving hundreds of billions of dollars in the initial phase itself and that diversion of this magnitude of resources was bound to disrupt the economic structure of even the economically most powerful countries and would have disastrous consequences for the global economy, particularly for the economies of the developing countries. They were also convinced that despite such colossal expenditure the weapons being sought would only exacerbate rather than redress the current state of instability inherent to the presence of global nuclear arsenals. They sounded a very serious warning that a point of no return would soon be reached if within the next year or two effective steps were not taken to stop the introduction of the proposed weapons systems in outer space. They therefore proposed that the Conference on Disarmament should not waste time in quibbling over superficial issues but should rather focus its attention on undertaking urgent negotiations for preventing an arms race in outer space in all its aspects.

113. One delegation held that the two major nuclear-weapon States should inform the Conference about their discussions concerning the possible initiation of bilateral negotiations. That delegation believed that, in view of the past experience with bilateral negotiations on other disarmament issues, it was necessary to ensure that bilateral efforts would not be detrimental to multilateral action in the framework of the Conference.

114. In view of the absence of a consensus on an appropriate mandate for an ad hoc committee on item 5, no progress was achieved on this item in the Conference during its 1984 session.

F. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

115. The item on the agenda entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" was considered by the Conference, in accordance with its programme of work, during the periods 26-30 March and 23-27 July 1984.

116. The list of new documents presented to the Conference during its 1984 session under the agenda item is contained in the Report submitted by the Ad Hoc Committee referred to in the following paragraph.

117. At its 284th plenary meeting on 23 August 1984, the Conference adopted the Report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 245th plenary meeting (see paragraphs 10 and 11 above). That Report (CD/536) is an integral part of this Report and reads as follows:

"I. Introduction

"1. At its 245th plenary meeting, on 28 February 1984, the Conference on Disarmament decided to re-establish for the duration of its 1984 session, an ad hoc subsidiary body on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons on the basis of its former mandate. The Conference further decided that the ad hoc subsidiary body would report to the Conference on the progress of its work before the conclusion of the 1984 session. The term 'ad hoc subsidiary body' was used pending a decision by the Conference on its designation (document CD/441).

"2. At its 248th plenary meeting, on 8 March 1984, the Conference decided to designate the ad hoc subsidiary body as an 'Ad Hoc Committee' (document CD/446).

"II. Organization of work and documents

"3. At its 270th plenary meeting, on 5 July 1984, the Conference on Disarmament appointed Ambassador Borislav Konstantinov (Bulgaria) as Chairman of the Ad Hoc Committee. Mr. M. Cassandra, United Nations Department for Disarmament Affairs, served as Secretary to the Ad Hoc Committee.

"4. The Ad Hoc Committee held 11 meetings between 16 July and 15 August 1984.

"5. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad Hoc Committee during the 1984 session: Colombia, Democratic Yemen, Finland, Norway, Senegal and Spain.

"6. In carrying out its mandate, the Ad Hoc Committee took into account paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly devoted to disarmament, in which '... the nuclear-weapon States are called upon to take steps to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons. The General Assembly notes the declarations made by the nuclear-weapon States and urges them to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons'. During the course of its work, the committee also took into account other relevant paragraphs of the Final Document.

"7. In addition to the documents of previous sessions related to the item, 1/ the Ad Hoc Committee had before it the following two documents prepared by the Secretariat:

"(a) A compilation of statements made and action taken during the thirty-eighth regular session of the General Assembly in 1983;

"(b) A compilation of statements made in plenary meetings of the conference on Disarmament during the Spring session of 1984.

"III. Substantive work

"8. Bearing in mind the conclusions and recommendations contained in the report of the Ad Hoc Working Group on the item to the Committee on Disarmament in 1983 (CD/417), consultations and discussions took place with a view to overcoming difficulties faced ever since the inception of discussions on this item in 1979.

"9. Many delegations stated that so long as nuclear weapons exist and can be used, there will be no security for anyone. They further reiterated their belief that nuclear disarmament constituted the most effective security assurance against the use or threat of use of nuclear weapons.

"1/ The list of documents of previous sessions up to and including the 1982 session is contained in the report of the Ad Hoc Working Group on Effective International Arrangements to Assure Non-Nuclear Weapon States against the Use or Threat of Use of Nuclear Weapons to the Committee on Disarmament, in view of the second special session of the General Assembly devoted to disarmament (CD/285). The list of documents submitted to the 1983 session is contained in the report of the Ad Hoc Working Group to the Committee on Disarmament (CD/417).

"10. Other delegations, including three nuclear-weapon States, expressed the view that, while nuclear disarmament was undoubtedly of the greatest importance, vital significance was attached to the unconditional adherence by all States to the commitment contained in Article 2 of the United Nations Charter to refrain from the threat or use of force except in the exercise of their inalienable right to individual or collective self-defence. In this context, they reaffirmed the position of their States that none of their weapons, nuclear or conventional, would ever be used except in response to armed attack. In the opinion of other delegations including one nuclear-weapon State the United Nations Charter cannot be invoked to justify the first-use of nuclear weapons. Those same delegations expressed their regret that despite the repeated declarations of one group of States about its peaceful intentions it had failed to respond adequately to the proposal for concluding a treaty on the mutual non-use of military force and the maintenance of relations of peace between the Warsaw Treaty Member States and the Member States of the North Atlantic Alliance, a treaty which would be open to all other States as well.

"11. A number of delegations generally regretted the fact that there had been no forward movement in the negotiations on the question since last year and they reiterated the Group of 21's view, contained in document CD/280, and again in document CD/407, that further negotiations in the Committee were unlikely to be fruitful so long as nuclear-weapon States did not exhibit a genuine political will to reach a satisfactory agreement. They were of the view that nuclear-weapon States were under the obligation to guarantee in clear and categorical terms that non-nuclear-weapon States will not be subjected to attacks or threats of attacks with nuclear weapons.

"12. One nuclear-weapon State reiterated its unconditional guarantee not to use or threaten to use nuclear weapons against non-nuclear States and nuclear-free-zones. Another nuclear-weapon State stressed the importance of its unilateral obligation never to use nuclear weapons against those States which renounce the production and acquisition of such weapons and do not have them on their territory. Three other nuclear-weapon States underlined that the unilateral declarations they had made were credible and reliable and amounted to firm declarations of policy. Many of the delegations from non-nuclear-weapon States, however, held that the inflexibility of the concerned nuclear-weapon States to remove the limitations, conditions and exceptions contained in their unilateral declarations reduced to nothing the credibility of these declarations. Those delegations further stated that with only one exception the so-called 'assurances' that had been unilaterally proclaimed, were more in the nature of permissible scenarios for the use of weapons that may end human civilization. Three nuclear-weapon States rejected this argument and stated that the assurances they had provided had been solemnly and formally given and remained fully in force. One nuclear-weapon State declared that its unilateral commitment never to use or threaten to use nuclear weapons against those States which renounce the production and acquisition of such weapons and do not have them on their territories was effective and reliable and met the vital interests of non-nuclear-weapon States.

"13. In the view of many delegations the point of view expressed above by four nuclear-weapon States confirmed their opinion that the question of negative security assurances continued to be approached by nuclear-weapon States from the narrow point of view of their security perceptions vis-à-vis each other, and not as a provisional measure aimed at providing effective guarantees to assure the security of non-nuclear-weapon States pending concrete measures of nuclear disarmament.

"14. The importance of effective security assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons was reaffirmed. Some delegations held that there was an urgent need to reach agreement on a 'common formula' which could be included in an international instrument of a legally binding character. There was no objection in principle to the idea of an international convention; however, the difficulties involved were also pointed out. Some delegations suggested that pending agreement on those matters elements of interim arrangements should be explored. In this regard different aspects as to the form and substance of such arrangements were analysed.

"15. Some delegations were of the view that, since nuclear-weapon States had not revised their positions, the Ad Hoc Committee had exhausted the present possibilities of discussion on the subject. Several delegations expressed the view that further ways and means should be explored to overcome the difficulties encountered in the negotiations to reach an appropriate agreement on effective international arrangements to assure non-nuclear-weapon States against the threat or use of nuclear weapons.

"16. The question of how to harmonize different views and find a 'common formula' was considered. A number of delegations expressed the view that the 'common formula' should be based on a non-use or non-first-use clause. Other delegations, including three nuclear-weapon States, maintained that the common ground should embody two elements - the status of non-nuclear-weapon States and a non-attack provision. It was stressed that the 'common formula' should first of all meet the wishes of the non-nuclear-weapon States and be conducive to the strengthening of their security.

"17. Many delegations felt that the very term 'non-nuclear-weapon States' was unambiguous and self-explanatory and it ruled out, by definition, any further need to elaborate on the status of such States. In connection with the non-attack provision, many delegations expressed the view that Article 51 of the United Nations Charter cannot be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of armed attack not involving the use of nuclear weapons, since nuclear war would threaten the very survival of mankind. Other delegations maintained that no provision of the United Nations Charter limits the right of States to make use of the means they deem the most appropriate, subject to existing international agreements, in exercise of their inherent right of individual or collective self-defence as recognized in Article 51.

"18. Some delegations considered that a resolution of the Security Council containing a common denominator could be an acceptable interim solution but not a substitute to a final solution. Many delegations expressed the view that a common denominator should be an unconditional guarantee similar to that given by one nuclear-weapon State. Some delegations bearing in mind the difficulties involved in formulating a common approach suggested that interpretative statements might be envisaged. At the same time views were expressed that such statements should be similar, if not identical, but at least not mutually exclusive. Many delegations stated that a 'common formula' was politically, legally and technically possible if four of the five nuclear-weapon States were to review their policies and formulate revised positions so as to respond positively to the legitimate concerns of the neutral and non-aligned States.

"19. A number of delegations proposed that security assurances to non-nuclear-weapon States be considered in a broad perspective. To that effect, they suggested an examination of the relevance of the non-first-use of nuclear weapons commitment to the granting of security assurances to non-nuclear-weapon States. It was pointed out that a non-first-use undertaking if agreed by all nuclear-weapon States and applied generally had global bearing. They also suggested that a mutual non-use of force commitment would serve to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. They also underlined the importance of the question of the establishment of nuclear-weapon-free zones, especially in Europe, which should be subject to security assurances. Many delegations considered that for the establishment of such zones to be effective, they should be fully complied with and nuclear-weapon States should effectively respect the status of such zones through adequate verification procedures, thus ensuring that the zones are genuinely free from nuclear weapons. In that connection they further stated the view that the security of non-nuclear-weapon States would be enhanced if the nuclear weapons deployed by nuclear-weapon States in oceans and in other territories should be withdrawn. They also expressed the view that nuclear-weapon States should refrain from military manoeuvres with nuclear weapons in close proximity to States not possessing nuclear weapons, thus endangering their security.

"20. Other delegations were of the view that an undertaking not to be the first to use nuclear weapons did not constitute an effective and credible guarantee to non-nuclear-weapon States, in so far as its validity erga omnes may at any moment be called into question by the actions of another nuclear-weapon State. These delegations furthermore argued that a commitment not to be the first to use nuclear weapons, by its very nature, could only be thought of in the context of the relations between the nuclear-weapon States themselves, and therefore had no relevance to the subject matter. They also maintained that a mutual non-use of force commitment was already contained in the Charter of the United Nations. Other delegations pointed out in that respect that a unilateral non-first-use undertaking, if assumed by all nuclear-weapon States without exception, would constitute an effective guarantee erga omnes and thus it would strengthen the security of all non-nuclear-weapon States. Those same delegations expressed the view that a non-first-use commitment assumed by all nuclear-weapon States would amount to a clear guarantee that nuclear weapons would not be used against non-nuclear-weapon States since these States by virtue of their non-possession of nuclear weapons could never provoke retaliation. A number of delegations pointed out that it was precisely for this latter reason that they had stated that the notion of non-first-use was not relevant in connection with the relations between nuclear-weapon States and non-nuclear-weapon States.

"21. Many delegations strongly felt that because of the obvious vulnerability of the non-nuclear-weapon States to attacks or threats of attacks with nuclear weapons, the nuclear-weapon States were under an obligation to undertake a legally binding commitment, without any pre-conditions or caveats, not to attack or threaten to attack the former with nuclear weapons. These States were further of the view that such assurances should not be subject to divergent interpretations. They also rejected the option to use nuclear weapons contained in some declarations, and felt that all States not in possession of nuclear weapons qualified irrespective of any other considerations. Moreover, the provision of negative security assurances did not require any further commitments from those receiving such assurances. These delegations also held that provision of conditional guarantees could not extenuate the danger posed by the existing nuclear arsenals, and that nuclear disarmament and the complete elimination of nuclear weapons were essential to remove the danger of nuclear war.

"22. Some delegations argued that the question of non-stationing of nuclear weapons on the territories of non-nuclear-weapon States could not form an additional criterion for the eligibility of non-nuclear-weapon States. These delegations appealed to the nuclear-weapon State that had so far insisted on the non-stationing criterion to drop it from its security guarantee so as to bring it in line with other guarantee declarations and move closer to a 'common formula'. In this connection, these delegations argued that the addition of a non-stationing criterion deviated from the definition of a non-nuclear-weapon State as contained in Security Council resolution 255 of 19 June 1968, as well as in the Non-Proliferation Treaty and other internationally binding commitments, definitions on which a great number of non-nuclear-weapon States had predicated their renunciation of the nuclear option. They also pointed out that the credibility of the non-stationing criterion was undermined by the fact that the same nuclear-weapon State that had introduced that criterion had subsequently deployed nuclear weapons on the territory of several other non-nuclear-weapon States. The importance of the non-stationing criterion was stressed by a number of delegations. They expressed the view that the non-stationing of nuclear weapons on the territory of non-nuclear-weapon States was in full conformity with the vital interests of those States and represented a credible and realistic basis for the strengthening of the security of non-nuclear-weapon States. These delegations felt that attempts by some delegations to complicate discussion and detract the Ad Hoc Committee from its main task by addressing various aspects of the problem of nuclear weapons in Europe were firmly rejected. These delegations expressed the view that the policies pursued by some countries represented in the Ad Hoc Committee led to further worsening of the situation in Europe. These delegations strongly appealed to the nuclear-weapon States that had so far insisted on the non-attack and alliance or association criteria to drop them from their declarations on security assurances and to bring them in line with the other commitments of security assurances by adopting the non-stationing criterion thus making it possible to move towards a 'common formula'. They also pointed out that it was wrong to interpret the non-stationing criterion as in any way deviating from the non-nuclear-weapon status since it constituted an important additional element for providing effective security assurances. In this connection they also argued that the addition of the non-attack and alliance or association criteria contradicted the security assurances as contained in Security Council resolution 255 of 19 June 1968. They also emphasized that the stationing of new medium range nuclear weapons on the territories of non-nuclear-weapon States and the subsequent increase in the danger of nuclear war had made the non-stationing criterion even more relevant. They also stressed that the absence of the non-stationing criterion in negative security assurances which would open the way for deployment of nuclear weapons in different regions of the world, cannot but have an adverse effect on the security of non-nuclear-weapon States.

"23. Some delegations pointed out that another contradiction existed in the security guarantee of the nuclear-weapon State that had also insisted on the non-stationing criterion. They also felt that, while that nuclear-weapon State did not include in its declaration a non-attack clause, collateral utterances by high representatives of that country, as well as a declaration of that country made on adhering to Additional Protocol II of the Treaty of Tlatelolco suggested that that nuclear-weapon State would practice a non-attack clause almost identical with that contained in three other security guarantee declarations. However, other delegations simultaneously pointed out that the utterances by several delegations expressed above were completely unfounded. The subjective interpretation of matters relevant to a specific international instrument of a regional nature only further complicated the search for a common formula of effective international arrangements to assure non-nuclear-weapon States against

the use or threat of use of nuclear weapons. A number of delegations expressed strong preference for positions of countries to be advanced and explained by the representatives of the respective countries themselves.

"24. One delegation observed that the issue of negative security assurances which had started as a legitimate demand of the non-nuclear-weapon States was increasingly becoming an East-West question, thus making any progress even more difficult. This delegation, therefore, was of the opinion that a possible way out of the existing impasse could be to provide negative security assurances only to those non-nuclear-weapon States which were outside the two major alliance systems of the present world. This delegation argued that the States parties to these alliances had already made their choice and were enjoying positive security assurances, i.e., the nuclear protection offered by the super-Power to which they were aligned. However, in case any State from any of these two alliances was interested in negative security assurances it could qualify for the same by opting out of its alliance system.

"25. The discussion of the suggested approaches and proposals remained inconclusive. Hence, regarding the future work of the Conference on Disarmament on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, several delegations expressed the view that it should be determined whether there has been a change in the positions of nuclear-weapon States toward the issue, as stated in paragraph 12 above, before any substantive progress can be achieved.

"IV. Conclusions and recommendations

"26. The Ad Hoc Committee reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons pending effective measures of nuclear disarmament. Work on the substance of the effective arrangements and discussion on various aspects and elements of an interim solution however revealed that specific difficulties relating to differing perceptions of security interests of nuclear-weapon States and non-nuclear-weapon States persisted and that the complex nature of the issues involved continued to prevent agreement.

"27. Against this background, the Ad Hoc Committee recommends to the Conference on Disarmament that ways and means should continue to be explored to overcome the difficulties encountered in its work and to carry out negotiations on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Accordingly, it was generally agreed that the Ad Hoc Committee should be re-established at the beginning of the 1985 session on the understanding that consultations should take place in order to determine the most appropriate course of action, including the resumption of the activities of the Ad Hoc Committee itself."

G. New types of weapons of mass destruction and new systems of such weapons; radiological weapons

118. The item on the agenda entitled "New types of weapons of mass destruction and new systems of such weapons; radiological weapons" was considered by the Conference, in accordance with its programme of work, during the periods 2-6 April and 30 July-3 August 1984.

119. The list of new documents presented to the Conference during its 1984 session under the agenda item is contained in the report submitted by the Ad Hoc Committee referred to in the following paragraph.

120. At its 284th plenary meeting on 23 August 1984, the Conference adopted the Report of the Ad Hoc Committee established by the Conference under the agenda item at its 259th plenary meeting (see paragraphs 10 and 11 above). That Report (CD/533) is an integral part of this Report and reads as follows:

"I. INTRODUCTION

"1. In accordance with the decision taken by the Conference on Disarmament at its 259th plenary meeting held on 17 April 1984, as contained in document CD/499, the Ad Hoc Committee on Radiological Weapons was established for the duration of the 1984 session with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons. The Conference further decided that the Ad Hoc Committee would report to it on the progress of its work before the conclusion of the 1984 session.

"II. ORGANIZATION OF WORK AND DOCUMENTATION

"2. At its 259th plenary meeting on 17 April 1984, the Conference on Disarmament appointed Ambassador Milóš Vejvoda of Czechoslovakia as Chairman of the Ad Hoc Committee. Mr. Victor Slipchenko, United Nations Department for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

"3. The Ad Hoc Committee held 11 meetings from 15 June to 10 August 1984. In addition, the Chairman held a number of informal consultations with delegations.

"4. At their request, the representatives of the following States not members of the Conference on Disarmament participated in the work of the Ad Hoc Committee: Finland, Norway and Spain.

"5. In carrying out its mandate, the Ad Hoc Committee took into account paragraph 76 of the Final Document of the first special session of the United Nations General Assembly devoted to disarmament. It also took into consideration the relevant recommendations of the United Nations Disarmament Commission, in particular those adopted in connection with the Second Disarmament Decade in 1980. In addition to various resolutions adopted by the General Assembly on the subject at its previous sessions, the Ad Hoc Committee took into account in particular resolution 38/188D of the General Assembly of 20 December 1983. Paragraphs 1 to 3 of that resolution read as follows:

"'1. Requests the Conference on Disarmament to continue negotiations with a view to a prompt conclusion of the elaboration of a convention prohibiting the development, production, stockpiling and use of radiological weapons in order that it may be submitted to the General Assembly at its thirty-ninth session;

"'2. Further requests the Conference on Disarmament to continue its search for a prompt solution to the question of prohibition of attacks on nuclear facilities, including the scope of such prohibition, taking into account all proposals submitted to it to this end;

"'3. Takes note of the recommendation of the Ad Hoc Working Group on Radiological Weapons, in the report adopted by the Committee on Disarmament, to re-establish an Ad Hoc Working Group at the beginning of its 1984 session to continue its work and in that context to review and assess how best to make progress on the subject matter.'

"6. In addition to the documents of previous sessions, the Ad Hoc Committee had before it the following new documents for consideration:

- CD/530, dated 3 August 1984, submitted by Sweden, entitled 'Proposals for parts of a Treaty Prohibiting Radiological Weapons and the Release or Dissemination of Radioactive Material for Hostile Purposes' (also issued as CD/RW/WP.52 of 18 June 1984)
- CD/RW/WP.53, dated 20 June 1984, submitted by the United Kingdom, entitled 'A definition relevant to the prohibition of attacks on nuclear facilities'
- CD/RW/WP.54, dated 12 July 1984, submitted by Sweden, entitled 'Notes from the intervention by Ambassador Ekéus on 21 June 1984 concerning criteria and definitions used in CD/RW/WP.52' (also issued as CD/RW/CRP.27)
- CD/RW/WP.55, dated 19 July 1984, submitted by Sweden, entitled 'Answers to questions raised by the Federal Republic of Germany concerning the Swedish proposal for draft provisions prohibiting attacks on nuclear facilities contained in CD/RW/WP.52' (also issued as CD/RW/CRP.29)
- CD/RW/WP.56, dated 3 August 1984, submitted by Sweden, entitled 'Notes from the intervention by the Swedish delegation on 1 August in the Ad Hoc Committee on Radiological Weapons concerning some definitions of nuclear facilities in document CD/530 - CD/RW/WP.52'
- CD/RW/WP.57, dated 2 August 1984, submitted by the Chairman, entitled 'Criteria and categories of nuclear facilities regarding the scope of prohibition of attacks against nuclear facilities'
- CD/RW/WP.58, dated 10 August 1984, submitted by the Federal Republic of Germany, entitled 'Questions addressed to the Swedish Delegation with respect to the draft provisions regulating the prohibition of attacks in Document CD/RW/WP.52'
- CD/RW/CRP.25, dated 21 June 1984, entitled 'Proposals by the Chairman for the items to be discussed in the Ad Hoc Committee on Radiological Weapons during the summer session'
- CD/RW/CRP.26, dated 6 July 1984, submitted by the Federal Republic of Germany, entitled 'Questions addressed to the Swedish Delegation with respect to the draft provisions regulating the prohibition of attacks in Working Paper CD/RW/WP.52'
- CD/RW/CRP.28, dated 12 July 1984, entitled 'Programme of work of the Ad Hoc Committee on Radiological Weapons'

"III. WORK DURING THE 1984 SESSION

"7. The Ad Hoc Committee on Radiological Weapons proceeded to review and assess how best to make progress on the subject matter entrusted to it. The Ad Hoc Committee agreed that during the 1984 session it would continue its substantive examination of questions relating to 'traditional' radiological weapons subject matter and questions relating to prohibition of attacks against nuclear facilities, without setting up two subsidiary bodies to deal with these questions or prejudging the relationship between them.

"8. In that context, the Ad Hoc Committee devoted two meetings to the continued review of the question of linkage between the two major issues before it. Although no delegation disputed the importance of those issues and the need for their solution, differences of approach persisted with regard to the procedure to be followed in resolving them as well as to the form of any eventual agreement. In the absence of consensus, the Ad Hoc Committee agreed to concentrate its work on the substance of the issues involved.

"9. At its 5th meeting, on 12 July, the Ad Hoc Committee adopted the following programme of work for its 1984 session:

"'Within the questions of the prohibition of radiological weapons in the "traditional" sense and the prohibition of attacks against nuclear facilities, the following problems should be discussed without prejudging the final positions of delegations as regards the "link" between the two aspects of the issue:

- Definitions
- Scope
- Peaceful uses
- Cessation of the nuclear arms race and nuclear disarmament
- Compliance and verification'.

"10. The Ad Hoc Committee discussed and examined various documents, inter alia, those submitted to it during its 1984 session by the delegations of the Federal Republic of Germany (CD/RW/CRP.26), Sweden (CD/530, CD/RW/WP.54, 55 and 56) and the United Kingdom (CD/RW/WP.53). Many delegations held that the approach proposed by Sweden in its draft provisions of a treaty prohibiting radiological weapons and the release or dissemination of radioactive material for hostile purposes (CD/530) provided the best negotiating framework for making progress on all the major aspects of the issue and thus in the fulfilment of the Ad Hoc committee's mandate. Other delegations, however, reaffirmed their conviction that proposals aimed at resolving the question of prohibition of attacks against nuclear facilities in the context of prohibition of radiological weapons could only result in a failure to make progress on either of them.

"11. The Ad Hoc Committee devoted four meetings to the consideration of the questions of definitions and scope in accordance with its programme of work. With respect to these questions, it concentrated its work on consideration of criteria which would apply in determining which nuclear facilities might fall within the possible scope of a prohibition of attacks as well as on definitions of such facilities. In order to allow for a more structured discussion of that

issue, the Chairman, upon request of some delegations, prepared a working paper (CD/RW/WP.57) which reflected some of the proposals made by delegations during the session in this regard. Proposals for scope and definitions contained in the Swedish proposal (CD/530) were examined. In particular, attention was focused on the criterion used, i.e. the potential to cause mass destruction for determining the four categories of facilities proposed to fall within the scope of the prohibition of attacks on nuclear facilities. The Ad Hoc committee also discussed the suggested definitions, capacity thresholds and other possible delimitations as well as other related questions such as the distinction between military and non-military facilities, protective zones, physical identification (marking) of nuclear facilities, the definition of 'attack', verification, legal and other aspects. The documents CD/RW/WP.53, 54, 55, 56 and CD/RW/CRP.26 were valuable contributions in this respect. With regard to the definition of radiological weapons in the traditional sense, some delegations reaffirmed their views concerning the so-called 'negative' or 'positive' approach. Divergent views were also expressed on what should be considered a radiological weapon. While some delegations maintained that it should include radioactive material as well as devices and containers, other delegations held that radioactive material should not be included since any known radioactive material has a utility for civilian peaceful purposes, and that the term 'specifically designed device and equipment' will be sufficient as the definition of a radiological weapon. In this connection a suggestion was made to the effect that the prohibition of configuration of radioactive material to weapon use might be envisaged. A number of delegations maintained that a definition of radiological weapons should not imply any restrictions on the use of radioactive material for peaceful purposes. They also held the view that such a definition should not provide a basis for any provision which might be interpreted as legitimizing nuclear weapons. The exchange of views, which was generally considered to be useful and constructive, contributed to a better understanding of the substance as well as of the positions of various delegations. Although some divergences of views continued to exist, the deliberations revealed that more delegations than previously supported the criterion of mass destruction as the most appropriate one for the identification of facilities to be covered by the provisions of a prohibition of attacks on nuclear facilities.

"12. With regard to the questions of peaceful uses and the cessation of the nuclear arms race and nuclear disarmament, delegations generally reaffirmed the views reflected in their earlier proposals to this end. Some delegations noted that the compromise formulae proposed by Sweden in CD/530 could serve as a basis for an eventual agreement on those two outstanding questions. Other delegations, however, pointed out that a compromise should be sought in the context of all provisions of that paper which could not be considered separately. Several delegations emphasized the close link between the treaty on the prohibition of radiological weapons and the cessation of the nuclear arms race and nuclear disarmament. Some other delegations, however, reaffirmed their view that it would be unrealistic to expect States parties to a future agreement on radiological weapons to undertake obligations which did not relate directly to its subject matter. It was noted in this connection that a 'delineating provision' might be used in order to find a solution to this problem. Some delegations reaffirmed the importance they attached to the issues of verification and compliance. In that context, they expressed the view that existing proposals on those issues were not sufficient and should therefore be further thoroughly examined. They regretted that the Ad Hoc committee was not able to devote more attention to this problem during the session. Some delegations reiterated that, as provided in paragraph 31 of the Final Document of SSOD I, the question of verification had to be examined taking into account the scope of a convention.

In their view, this factor had an obvious bearing on the nature of the verification provisions to be included in a convention. They reiterated that, in the case of the prohibition of attacks against nuclear facilities, the question at issue was only that of establishing the fact that an attack had occurred.

"13. Some delegations expressed their regret that the work of the committee had not concentrated more on the available draft texts, including the drafts submitted by the chairman of the two preceding annual sessions, as well as the Swedish proposals (CD/530), and that the work pattern had rather been one of a prolonged general debate. They also felt that, despite the efforts by the Chair, this had not only caused delegations to lose sight of certain common positions that had been achieved in the earlier sessions, but entailed the risk that the negotiations might altogether lose their earlier momentum. Other delegations on the contrary believed that the work of the Ad Hoc committee was useful and helped to clarify further positions of delegations. More progress could not be achieved in view of the basic differences as to the framework for the solution of the two major issues. They also considered that due attention was paid to the existing draft texts, especially to the proposals by Sweden contained in CD/530. They further maintained that the provisions of the draft texts by the previous Chairmen could not be considered as reflecting common positions.

"IV. CONCLUSIONS AND RECOMMENDATIONS

"14. It was generally recognized that the discussion held during the session contributed to a better understanding of the issues involved as well as to a further search for their solution.

"15. In view of the fact that the committee's mandate was not fulfilled, it is recommended that the Conference on Disarmament should re-establish the Ad Hoc Committee on Radiological Weapons at the beginning of its 1985 session."

121. The Conference considered the question of new types and new systems of weapons of mass destruction at its plenary meetings. At the beginning of the first part of the session, a contact group was set up to consider the establishment of a subsidiary body on item 7.

122. A group of socialist countries, recalling their earlier proposals, suggested in document CD/434 that the subsidiary body should have a mandate providing for, inter alia, negotiations, with the assistance of qualified governmental experts, with a view to preparing a draft comprehensive agreement on the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons, and also drafting possible agreements on prohibiting particular types of such weapons. They continued to uphold their opinion that everything must be done to prevent the emergence of new types of weapons of mass destruction based on new scientific principles and achievements, and as a first step to that end, while pursuing negotiations on the relevant agreements, the permanent members of the Security Council and other militarily significant States should make declarations, pledging not to develop any such weapons, which declarations should then be endorsed by the Security Council.

123. Some other delegations stated that in their view it would be more appropriate to negotiate agreements to ban potential new weapons of mass destruction only on a case-by-case basis as such weapons might be identified. They pointed out that no such weapon had been identified so far. A general prohibitory agreement would not, in their view, be applicable to concrete situations deriving from the emergence of unidentified new weapons systems and would therefore not permit the definition and implementation of the appropriate verification measures. For the present, they considered that the practice followed in recent years - periodic informal meetings with the participation of experts - allowed the Conference to follow this question in an appropriate manner and adequately to identify any cases which might require particular consideration and which would justify the opening of specific negotiations.

124. A view was expressed by one delegation that, pending the conclusion of a general agreement prohibiting the development and manufacture of new weapons of mass destruction, the more powerfully armed States should adopt unilateral measures to prevent the use of scientific and technical discoveries for military purposes. It further believed that in this connection scientists would have an important role to play and that they should therefore be associated in an appropriate manner with the work of the Conference on Disarmament on this item of the agenda.

H. Comprehensive programme of disarmament

125. The item on the agenda entitled "Comprehensive programme of disarmament" was considered by the Conference, in accordance with its programme of work, during the periods 9-13 April and 6-10 August 1984.

126. At its 284th plenary meeting on 23 August 1984, the Conference adopted the Report of the Ad Hoc Committee re-established by the conference under the agenda item at its 245th plenary meeting (see paragraphs 10 and 11 above). That Report (CD/525) is an integral part of this Report and reads as follows:

"I. INTRODUCTION

"1. At its 245th plenary meeting, on 28 February 1984, the Conference on Disarmament decided to re-establish an ad hoc subsidiary body on the Comprehensive Programme of Disarmament to renew, as soon as the circumstances were propitious for that purpose, its work on the elaboration of the Programme with a view to the submission to the General Assembly, not later than at its forty-first session, a complete draft of such a Programme. The Conference further decided that the ad hoc subsidiary body would report to the conference on the progress of its work before the conclusion of its 1984 session, in order that the conference may be in a position to submit to the General Assembly the progress report requested in resolution 38/183 K. The term 'ad hoc subsidiary body' was used pending a decision by the conference on its designation.

"2. At its 248th plenary meeting, on 8 March 1984, the Conference on Disarmament decided to designate the ad hoc subsidiary body as 'Ad Hoc Committee'.

"II. ORGANIZATION OF WORK AND DOCUMENTS

"3. At its 266th plenary meeting, on 21 June 1984, the Conference on Disarmament appointed Ambassador Alfonso García Robles (Mexico) as Chairman of the Ad Hoc Committee. Miss Aida Luisa Levin, United Nations Department of Disarmament Affairs, served as Secretary of the Committee.

"4. The Ad Hoc Committee held two meetings between 10 and 24 July 1984.

"5. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad Hoc Committee: Bangladesh, Colombia, Democratic Yemen, Finland, Norway, Portugal and Spain.

"6. The Ad Hoc Committee had before it the documents of previous sessions related to the agenda item. 1/

"III. WORK DURING THE 1984 SESSION

"7. In accordance with its mandate and as provided in General Assembly resolution 38/183 K, the Ad Hoc Committee was called upon to renew its work on the elaboration of the Comprehensive Programme of Disarmament as soon as the circumstances were propitious for that purpose. It was agreed that present circumstances were not conducive to making progress towards the resolution of outstanding issues and that, therefore, it would not be fruitful to pursue the elaboration of the Comprehensive Programme of Disarmament at this session.

"IV. CONCLUSIONS

"8. Bearing in mind that under the terms of the Ad Hoc Committee's mandate the complete draft of the Comprehensive Programme of Disarmament should be submitted to the General Assembly not later than at the Assembly's forty-first session and in view of the difficulties encountered in the past, it is to be hoped that maximum efforts will be exerted to ensure that early next year the circumstances will be such as to permit the resumption of the work on the elaboration of the Programme and its successful conclusion."

I. Consideration of other areas dealing with the cessation of the arms race and disarmament and other relevant measures

127. During its 1984 session, the Conference had before it another document which dealt with the cessation of the arms race and disarmament and other relevant measures in other areas:

"1/ The list of documents may be found in the reports of the previous Ad Hoc Working Group on the Comprehensive Programme of Disarmament which are an integral part of the reports of the Committee on Disarmament (CD/139, CD/228, CD/292, CD/335 and CD/421).

- Document CD/498, dated 21 May 1984, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Letter dated 16 April 1984, addressed to the Secretary-General of the United Nations, Mr. Pérez de Cuéllar, from the First Deputy Chairman of the Council of Ministers of the USSR and Minister of Foreign Affairs, Mr. A.A. Gromyko, on questions of the limitation of military naval activities and naval armaments".

J. Consideration and adoption of the annual report of the Conference and any other report as appropriate to the General Assembly of the United Nations

128. The item on the agenda entitled "Consideration and adoption of the annual report of the Conference and any other report as appropriate to the General Assembly of the United Nations" was considered by the Conference, in accordance with its programme of work, from 13 to 31 August 1984.

129. The present report, as adopted by the Conference on 31 August 1984, is transmitted by the President on behalf of the Conference on Disarmament.

Ian Cromartie,
United Kingdom of Great Britain
and Northern Ireland
President of the Conference

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*Dr. Frans van Dongen	Ambassador Extraordinary and Plenipotentiary Permanent Representative of the Kingdom of the Netherlands to the United Nations Office at Geneva Head of Delegation (up to 26 April 1984)
*Mr. Jaap Ramaker	Counsellor Permanent Mission of the Kingdom of the Netherlands to the United Nations Office at Geneva Deputy Head of Delegation
Mr. Robert Jan Akkerman	First Secretary Permanent Mission of the Kingdom of the Netherlands to the United Nations Office at Geneva
Dr. A.J.J. Ooms	Expert (Chemical Weapons) Director of the "Prins Maurits" Laboratorium, TNO, Delft, The Netherlands
Dr. A.R. Ritsema	Expert (Seismologist) Royal Netherlands Meteorological Institute, De Bilt, The Netherlands
Mr. G. Houtgast	Expert (Seismologist) Royal Netherlands Meteorological Institute, De Bilt, The Netherlands

Delegation of Nigeria

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Dr. G.O. Ijewere	Ambassador Permanent Representative Permanent Mission of Nigeria to the United Nations Office at Geneva Head of Delegation (up to 3 June 1984)
Mr. O.O. George	Counsellor Permanent Mission of Nigeria to the United Nations Office at Geneva Alternate Delegate Head of Delegation (from 4 June 1984)

* Spouse present

Delegation of Nigeria (continued)

Mr. J.O. Oboh	First Secretary Permanent Mission of Nigeria to the United Nations Office at Geneva Alternate Delegate
Mr. L.O. Akindele	Second Secretary Permanent Mission of Nigeria to the United Nations Office at Geneva Alternate Delegate
Mr. C.V. Udedibia	Second Secretary Permanent Mission of Nigeria to the United Nations Office at Geneva Delegate
Mr. F.O. Adeshida	Second Secretary Permanent Mission of Nigeria to the United Nations Office at Geneva Delegate

Delegation of Pakistan

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*Mr. Mansur Ahmad	Ambassador Permanent Representative of Pakistan to the United Nations Office at Geneva
*Mr. Rafat Mahdi	Counsellor Permanent Mission of Pakistan to the United Nations Office at Geneva
*Mr. Kamran Niaz	First Secretary Permanent Mission of Pakistan to the United Nations Office at Geneva
Mr. Salman Bashir	Second Secretary Permanent Mission of Pakistan to the United Nations Office at Geneva

Delegation of Peru

Address: 63 rue de Lausanne, 1202 Geneva. Tel. No. 31.11.30/31.11.39

Mr. Jorge Morelli Pando (7-20 February)	Ambassador Ministry of Foreign Affairs, Peru Head of Delegation
Mr. Peter Cannock (From 21 February)	Ambassador Permanent Mission of Peru to the United Nations Office at Geneva Head of Delegation
Mr. Eduardo Ponce Vivanco	Minister Permanent Mission of Peru to the United Nations Office at Geneva
Mr. César Castillo Ramirez	Counsellor Permanent Mission of Peru to the United Nations Office at Geneva
Mr. Augusto Thornberry Naggy	Second Secretary Permanent Mission of Peru to the United Nations Office at Geneva

* Spouse present

Delegation of the Polish People's Republic

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|----------------------------|---|
| * Mr. Stanislaw Turbanski | Ambassador
Permanent Representative of the Polish
People's Republic to the United Nations
Office at Geneva
Head of delegation |
| * Mr. Tadeusz Strojwas | First Secretary
Permanent Representation of the Polish
People's Republic to the United Nations
Office at Geneva |
| Col. Janusz Cialowicz | Ministry of National Defense of the
Polish People's Republic |
| * Mr. Gromoslaw Czempinski | First Secretary
Permanent Representation of the Polish
People's Republic to the United Nations
Office at Geneva |
| Mr. Janusz Rychlak | Senior Expert
Ministry of Foreign Affairs of the
Polish People's Republic |
| Dr. Andrezej Karkoszka | Adviser
Polish Institute of International Affairs,
Warsaw |

Delegation of the Socialist Republic of Romania

Address: 6 chemin de la Perrière, 1223 Cologny, Geneva. Tel. No. 52.10.90

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|------------------------|--|
| * Mr. Ion Datcu | Ambassador
Permanent Representative of the Socialist
Republic of Romania to the United Nations
Office at Geneva
Head of Delegation |
| * Mr. Teodor Malescanu | Counsellor
Permanent Mission of the Socialist
Republic of Romania to the United Nations
Office at Geneva
Deputy Head of Delegation |
| Mr. Ovidiu Ionescu | Counsellor
Ministry of Foreign Affairs, Romania |
| Mr. Valeriu Tudor | Counsellor
Ministry of Foreign Affairs, Romania |
| Mr. P. Baloiu | First Secretary
Permanent Mission of the Socialist
Republic of Romania to the United Nations
Office at Geneva |

* Spouse present.

Delegation of the Socialist Republic of Romania (continued)

* Mr. Mihail Bichir	First Secretary Permanent Mission of the Socialist Republic of Romania to the United Nations Office at Geneva
Mr. Aurelian Cretu	Second Secretary Ministry of Foreign Affairs, Romania
Lt. Col. Ing. Aurel Popescu	Expert Ministry of National Defence, Romania

Delegation of the Democratic Socialist Republic of Sri Lanka

Address: 56 rue de Moillebeau, 1211 Geneva 19. Tel. No. 34.93.40/49

Mr. Jayantha Dhanapala	Ambassador Permanent Representative of Sri Lanka to the United Nations Office at Geneva
Mr. H.M.G.S. Palihakkara	Third Secretary Permanent Mission of Sri Lanka to the United Nations Office at Geneva
Mr. P. Kariyawasam	Third Secretary Permanent Mission of Sri Lanka to the United Nations Office at Geneva

Delegation of Sweden

Address: 62 rue de Vermont, 1202 Geneva. Tel. No. 34.36.00

Mrs. Maj Britt Theorin	Ambassador, Member of Parliament, Chairman of the Swedish Disarmament Commission, Head of Delegation - <u>ex officio</u> when in attendance
* Mr. Rolf Ekéus	Ambassador Head of Delegation
* Mr. Lars-Erik Wingren	Counsellor Deputy Head of Delegation
* Mrs. Elisabet Bonnier	First Secretary
* Mr. Hans Berglund	Colonel Military Adviser
* Mr. Johan Lundin	Director of Research National Defence Research Institute
Mrs. Ann Mari Lau	Scientific Adviser National Defence Research Institute
Dr. Jan Prawitz	Scientific Adviser Ministry of Defence
Dr. Ola Dahlman	Director of Research Scientific Adviser National Defence Research Institute

* Spouse present.

Delegation of Sweden (continued)

Mr. Lars Eric De Geer	Scientific Adviser National Defence Research Institute
Mr. Stig Alemyr	Member of Parliament
Mrs. Anita Brakenhielm	Member of Parliament
Mr. Sture Ericson	Member of Parliament
Mrs. Gunnel Jonäng	Member of Parliament
Mr. Rune Angström	Member of Parliament

Delegation of the Union of Soviet Socialist Republics

Address: 4 chemin du Champ de Blé, 1292 Chambésy, Geneva. Tel. No. 58.10.03

* Mr. Victor L. Issraelyan	Head of Delegation Ambassador Member of Collegium of the Ministry of Foreign Affairs, Representative of the USSR to the Conference on Disarmament
* Mr. Boris P. Prokofiev	Deputy Head of Delegation Envoy Deputy Director, Department of International Organizations Ministry of Foreign Affairs
* Mr. Roland M. Timerbaev	Deputy Head of Delegation Envoy Deputy Director, Department of International Organizations Ministry of Foreign Affairs
Mr. Nikolay V. Neiland	Adviser
* Mr. Lev. A. Naumov	Adviser, Ministry of Foreign Affairs
* Mr. Timur F. Dmitrichev	Adviser, Ministry of Foreign Affairs
Mr. Yury V. Kostenko	Expert, Ministry of Foreign Affairs
* Mr. Grigory V. Berdennikov	First Secretary Permanent Representation of the USSR to the Office of the United Nations and other International Organizations in Geneva
Mr. Vladimir F. Priakhin	Expert, Ministry of Foreign Affairs
Mr. Igor N. Scherbak	Expert, Ministry of Foreign Affairs
Mr. Pavel Y. Skomorokhin	Expert, Ministry of Foreign Affairs
Mr. Grigory N. Vashadze	Expert, Ministry of Foreign Affairs
Mr. Sergey V. Kobysh	Expert, Ministry of Foreign Affairs
Mr. Vladimir A. Krokha	Expert, Ministry of Foreign Affairs

* Spouse present.

Delegation of the Union of Soviet Socialist Republics (continued)

Mr. Sergey V. Nagradov	Expert, Ministry of Foreign Affairs
* Mr. Gennady V. Antsiferov	Third Secretary Permanent Representation of the USSR to the Office of the United Nations and other International Organizations in Geneva
Mr. Oleg M. Lisov	Expert
Mr. Alexander P. Koutepov	Expert
Mr. Vladimir M. Tcherednichenko	Expert

Delegation of the United Kingdom of Great Britain and Northern Ireland

Address: 37-39 rue de Vermont, 1202 Geneva. Tel. No. 34.38.00

* Dr. R. Ian T. Cromartie CMG	Ambassador Leader of the United Kingdom Delegation to the Conference on Disarmament
* Mr. Lawrence J. Middleton	Counsellor
* Mr. Barry B. Noble	Counsellor Permanent Mission of the United Kingdom to the United Nations Office at Geneva
* Mr. James Richards	First Secretary Permanent Mission of the United Kingdom to the United Nations Office at Geneva
* Mr. Jean François Gordon	First Secretary
Dr. Graham H. Cooper	Ministry of Defence
Dr. Frank H. Grover	Seismological Research Centre
* Mr. David A. Slimm	Third Secretary

Delegation of the United States of America

Address: 11 route de Pregny, 1293 Chambésy, Geneva. Tel. No. 32.09.70

* The Honourable Louis G. Fields, Jnr.	Ambassador United States Representative to the Conference on Disarmament
* Mr. Norman G. Clyne	Deputy United States Representative to the Conference on Disarmament
* Mr. Leonard H. Belgard	Adviser United States Mission to the United Nations Office at Geneva
Mr. Herbert Calhoun	Adviser Multilateral Affairs Bureau Arms Control and Disarmament Agency

* Spouse present.

Delegation of the United States of America (continued)

Mr. Nicholas Carrera	Adviser Multilateral Affairs Bureau Arms Control and Disarmament Agency
* Mr. Pierce S. Corden	Adviser Multilateral Affairs Bureau Arms Control and Disarmament Agency
Ms. Katherine Crittenberger	Adviser Multilateral Affairs Bureau Arms Control and Disarmament Agency
* Mr. Harold W. Davidson	Adviser Department of State
Mr. John Doesburg	Major, United States Army Adviser Multilateral Affairs Bureau Arms Control and Disarmament Agency
Mr. Daniel Gallington	Colonel, United States Air Force Adviser Office of the Under-Secretary of Defense, Department of Defense
Mr. James J. Hogan	Colonel, United States Air Force Adviser Office of Joint Chiefs of Staff Department of Defense
* Mr. Richard L. Horne	Adviser United States Mission to the United Nations Office at Geneva
Mr. Arnold Horowitz	Adviser Multilateral Affairs Bureau Arms Control and Disarmament Agency
Mr. P.C. Lembesis	Adviser Office of the General Counsel Arms Control and Disarmament Agency
Mr. Alexander Liebowitz	Adviser Bureau of International Organization Affairs, Department of State
Mr. John Egan McAteer	Adviser Multilateral Affairs Bureau Arms Control and Disarmament Agency
Mr. Michael G. Macdonald	Adviser Office of the Secretary of Defence Department of Defence

* Spouse present.

Delegation of the United States of America (continued)

* Mr. Lawrence Madsen	Adviser Los Alamos National Laboratory Department of Energy
Mr. Robert Mikulak	Adviser Multilateral Affairs Bureau Arms Control and Disarmament Agency
* Mr. John Miskel	Adviser Lawrence Livermore National Laboratory Department of Energy
* Mr. Byron Morton	Adviser Bureau of Politico-Military Affairs Department of State
Ms. Blair Murray	Adviser Bureau of Politico-Military Affairs Department of State
* Mr. Robert Norman	Adviser Office of United Nations Political and Multilateral Affairs Bureau of International Organization Affairs, Department of State
Mr. Charles Pearcy	Colonel, United States Army Adviser Office of Joint Chiefs of Staff Department of Defence
* Mr. John M. Puckett	Adviser Los Alamos National Laboratory Department of Energy
* Mr. Roger Scott	Colonel, United States MC, Adviser Office of Joint Chiefs of Staff Department of Defence
* Mr. John J. Tierney, Jr.	Adviser Multilateral Affairs Bureau Arms Control and Disarmament Agency
Mr. Raymond O. Waters	Adviser Office of the General Counsel Arms Control and Disarmament Agency
Mr. Charles J. Wells	Adviser Office of Joint Chiefs of Staff Department of Defence
Ms. Marianne Winston	Adviser Multilateral Affairs Bureau Arms Control and Defence Agency

* Spouse present.

Delegation of the United States of America (continued)

* Mr. John A. Woodworth	Adviser Office of the Secretary Department of Defence
Mr. William Zagotta	Lawrence Livermore National Laboratory Department of Energy

Delegation of the Republic of Venezuela

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Mr. Alberto López Oliver	Ambassador Permanent Representative of Venezuela to the United Nations Office at Geneva
Mr. Teófilo Labrador Rubio	Counsellor Permanent Mission of Venezuela to the United Nations Office at Geneva
Mr. Oscar García García	Second Secretary Permanent Mission of Venezuela to the United Nations Office at Geneva

Delegation of the Socialist Federal Republic of Yugoslavia

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* Mr. Kazimir Vidas	Ambassador Permanent Representative of the Socialist Federal Republic of Yugoslavia to the United Nations Office at Geneva Head of Delegation
* Mr. Miodrag Mihajlović	Minister Counsellor Permanent Mission of the Socialist Federal Republic of Yugoslavia to the United Nations Office at Geneva Deputy Head of Delegation
Mr. Dragomir Djokić	Special Counsellor at the Federal Secretariat for Foreign Affairs Member of Delegation
Mrs. Mira Stjepanović	Counsellor at the Federal Secretariat for Foreign Affairs Member of Delegation
Mr. Dušan Minić	Expert (Chemical Weapons)
Professor Dr. Milorad Radotić	Expert (Radiological Weapons)

* Spouse present.

Delegation of the Republic of Zaïre

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Mr. Mukamba Kadiata-Nzemba

Ambassador
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Republic of Zaïre to the United Nations
Office at Geneva
Head of Delegation

Mr. Longo Bekpwa Ndaga

First Counsellor
Permanent Mission of the
Republic of Zaïre to the United Nations
Office at Geneva
Member

Ms. Esaki Ekanga Kabeya

First Secretary
Permanent Mission of the
Republic of Zaïre to the United Nations
Office at Geneva
Member

Mr. Osil Gnok

Second Secretary
Permanent Mission of the
Republic of Zaïre to the United Nations
Office at Geneva
Member

* Spouse present.

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